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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF INDIANA,

DURING THE

NINETEENTH SESSION

OF THE

GENERAL ASSEMBLY,

COMMENCED AT INDIANAPOLIS

ON MONDAY, THE FIRST DAY OF DECEMBER, 1834.

INDIANAPOLIS.

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1834.

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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
AT THE NINETEENTH SESSION
OF THE
GENERAL ASSEMBLY OF THE STATE OF INDIANA,

Begun and held at the Capitol, in the town of Indianapolis, on Monday the first day of December, in the year of our Lord one thousand eight hundred and thirty-four, being the day appointed by law for the meeting of the General Assembly.

The following members of the House of Representatives appeared and took their seats, to wit:

From the county of Wayne—Abner M. Bradbury, Martin M. Ray, John S. Newinan, and Joseph Curtis.

From the county of Dearborn—Nelson H. Torbet, James Walker, and Thomas Howard.

From the county of Washington—Robert Strain and Levi P. Lockhart.

From the county of Orange—Shadrach B. A. Carter, and Joel Vandever.

From the county of Lawrence—Pleasant Parks and Richard W. Thompson.

From the county of Jefferson—James H. Wallace and Joseph G. Marshall.

From the county of Rush—Marinus Willet, and Samuel Bigger.

From the county of Harrison—Frederick Leslie, and George P. R. Wilson.

From the county of Putnam—Reese Hardesty, and James Gaddes.

From the county of Fountain—Robert M'Intyre, and Thomas J. Evans.

From the county of Tippecanoe—James Davis, and Benjamin Henkle.

From the county of Franklin—John M. Johnston and James Conwell.

From the county of Fayette—Marks Crume, and Caleb B. Smith.

From the county of Union—William H. Bennett and James R. Mendenhall.

From the county of Clark—William G. Armstrong, Eli McCalley, and Daniel Bower.

From the county of Posey—George S. Green.

From the county of Gibson—John Hargrove.

From the county of Crawford—Joseph N. Phelps.

From the county of Greene—Joseph P. Storm.

From the county of Owen—George W. Moore.

From the county of Monroe—Paris C. Dunning.

From the county of Sullivan—Joseph Latshaw.

From the county of Warren—James Gregory.

From the county of Switzerland—Daniel Kelso.

From the county of Ripley—Thomas Smith.

From the county of Jennings—John Vawter.

From the county of Scott—Isaac Hongland.

From the county of Floyd—Levi McDougle.

From the county of Clay—Daniel Harris.

From the county of Johnson—Joab Woodruff.

From the county of Morgan—Grant Stafford.

From the county of Hendricks—Christian C. Nave.

From the county of Shelby—Jacob Shank.

From the county of Decatur—Samuel Bryan.

From the county of Henry—Thomas R. Stanford.

From the county of Marion—Jeremiah Johnson.

From the county of Randolph—Zachariah Puckett.

From the county of Bartholomew—Jacob Cook.

From the county of Vigo—Ralph Wilson.

From the county of Jackson—John F. Carr.

From the counties of Vanderburgh and Warrick—John A. Brackenridge.

From the counties of Perry and Spencer—Mason J. Howell.

From the counties of Pike and Dubois—William M. Wright.

From the county of Knox—Henry M. Shaw.

From the counties of Daviess and Martin—Patrick M. Brett, and Josiah Culbertson.

From the counties of Montgomery and Clinton—Jacob Angle, and Thomas M. Curry.

From the counties of Carroll, Cass, White, and Miami—Chauncy Carter.

From the counties of Hamilton and Boone, and all the country north to the Great Miami Reservation—Robert L. Hannaman.

From the counties of Madison and Hancock—Thomas Bell.

From the counties of Allen, Huntington, and the territory attached to said several counties for judicial purposes—William Rockhill.

From the counties of Elkhart and Lagrange, and the territory attached to said several counties for judicial purposes—John B. Chapman.

From the counties of St. Joseph and Laporte, and the territory attached to said several counties for judicial purposes—Jonathan A. Liston.

the Indiana County, etc. - David Kilgus

(see page 66)

J.F.P.

From the county of Vermillion—Joseph Schooling.

From the county of Parke—Paton Wilson, and Enos Lowe.

Who presented their credentials and were sworn into office by the Hon. Isaac Blackford, one of the Judges of the Supreme Court of this State.

The House then proceeded to the election of a Speaker, Messrs. Vawter and Carter of O. acting as tellers, and on counting the first ballot it appeared that James Gregory had 38 votes, Samuel Bigger 37 votes, scattering one vote. No person having received a majority of all the votes given, the House proceeded to a second balloting. On counting the votes, it appeared that James Gregory had 38 votes and Samuel Bigger 38 votes, neither of the gentlemen having received a majority of all the votes given, the House proceeded to a third balloting.

On counting the votes, it appeared that James Gregory had 38 votes and Samuel Bigger 38 votes. No person having yet received a majority of the votes given, the House proceeded to a fourth balloting.

On counting the votes it appeared that James Gregory had 38 votes, Samuel Bigger 36 votes, scattering 2 votes.

No person having yet received a majority of all the votes given, the House proceeded to a fifth balloting.

On counting the votes it appeared that James Gregory had 38 votes, Samuel Bigger 34, scattering 4 votes.

No person having yet received a majority of the votes given, the House proceeded to a sixth balloting.

On counting the votes, it appeared that James Gregory had 39 votes, Samuel Bigger 35, scattering 2 votes.

Mr. Gregory having received a majority of all the votes given, was declared duly elected Speaker, and was conducted to the chair by Messrs. Howell and Bradbury, whence he made his acknowledgements to the House.

On motion of Mr. Bigger the House proceeded to the election of principal clerk, Messrs. Vawter and Carter of O. acting as tellers.

On counting the ballots it appeared that Albert S. White had 73 votes, scattering three votes. Albert S. White having received a majority of all the votes given, was declared duly elected, was sworn into office by the Hon. Isaac Blackford, and entered upon the discharge of his duties.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Bennet,

The House proceeded to the election of an assistant clerk, Messrs. Bennet and Dunning acting as tellers.

On the first ballot,

Jesse Jackson received 33 votes,

Jehu T. Elliott received 19 votes,

Andrew Kennedy received 14 votes,
James M. Stagg received 7 votes.

No person having received a majority of the votes given, the House proceeded to a second ballot, when it appeared that

Jesse Jackson had 37 votes,
Jehu T. Elliott had 30 votes,
James M. Stagg had 7 votes.

No person having received a majority of the votes, the House proceeded to a third balloting.

On the third ballot,

Jesse Jackson received 38 votes,
Jehu T. Elliott received 36 votes,
Scattering, 2 votes.

No person having received a majority of all the votes given, the House proceeded to a fourth balloting.

On the fourth ballot,

Jesse Jackson received 42 votes,
Jehu T. Elliott received 33 votes,
Scattering, one vote.

Mr. Jackson having received a majority of all the votes given, was declared duly elected assistant clerk, was sworn into office by the Hon. Isaac Blackford, and entered upon the discharge of his duties.

On motion of Mr. Smith of F.,

The House proceeded to the election of an enrolling clerk, Messrs. Smith of F., and Vandever acting as tellers.

On the first ballot,

Delana R. Eckels received 22 votes,
George A. Hannegan received 22 votes,
George Holland received 19 votes,
Thomas R. Chunn received 8 votes,
M. R. Hull received 4 votes,
Blank, 1 vote.

No person having received a majority of all the votes, the House proceeded to a second balloting.

On the second ballot,

Delana R. Eckels received 28 votes,
George A. Hannegan received 26 votes,
George Holland received 17 votes,
Thomas R. Chunn received 3 votes,
M. R. Hull received 2 votes.

No person having yet a majority of all the votes, the House proceeded to a third balloting.

On counting the votes, it appeared that
 Delana R. Eckels received 29 votes,
 George A. Hannegan received 32 votes,
 George Holland received 13 votes,
 Scattering, 2 votes.

No person having yet received a majority of all the votes given, the House proceeded to ballot a fourth time.

On the fourth ballot,
 Delana R. Eckels received 39 votes,
 George A. Hannegan received 34 votes.
 Scattering, 3 votes.

Mr. Eckels having received a majority of all the votes given, was declared duly elected enrolling clerk, and was sworn into office by the Hon. Isaac Blackford.

On motion of Mr. Smith of R.,
 The House proceeded to the election of a door keeper.

On the fifth ballot, James Fisler was elected, he having received 41 votes, who was thereupon sworn into office by the Hon. Isaac Blackford, and entered upon the discharge of his duties.

On motion of Mr. Moore,
Resolved, That the clerk of this House inform the Senate that the House of Representatives have convened, formed a quorum, elected James Gregory Speaker, Albert S. White principal clerk, Jesse Jackson assistant clerk, Delana R. Eckels, enrolling clerk, and James Fisler door-keeper, and are now ready to proceed to legislative business.

On motion of Mr. Bigger,
Resolved, That the rules and joint rules adopted at the last session of the General Assembly, by the House of Representatives, for their government; be, and the same are hereby adopted for the government of the House of Representatives during the present session; and that the Senate be informed of the adoption of the joint rules:

And then the House adjourned until to-morrow morning at 9 o'clock.

TUESDAY MORNING, DEC. 2, 1834.

The House met pursuant to adjournment.

The Speaker announced the following as the order of business to be observed, until otherwise directed by the House.

- 1st. Reading the Journals of the preceding day.
- 2d. Petitions, Memorials, and Remonstrances.
- 3d. Reports from Standing Committees, in the following order—
 - (1.) Of Elections.
 - (2.) Of Ways and Means.
 - (3.) On the Judiciary.
 - (4.) On Education.
 - (5.) On Military Affairs.
 - (6.) On the affairs of the State Prison.
 - (7.) On the affairs of the town of Indianapolis.
 - (8.) On Claims.
 - (9.) On Roads.
 - (10.) On Canals and Internal Improvements.
 - (11.) On Public Buildings.

4th. Reports from select committees, (except the committee of enrolled bills, which may report at any time).

5th. Resolutions of the House.

6th. Joint Resolutions.

7th. Bills.

8th. Orders of the Day.

Mr. Stanford moved the following resolution:

Resolved, That the printers of the State be authorised to print 77 copies of the rules and joint rules adopted by the House, for the use of the members thereof; and that a committee of two be appointed to superintend the printing thereof.

On motion of Mr. Bigger, said resolution was laid on the table.

Mr. Bigger moved the following resolution:

Resolved, That the standing rules of this House be so amended as to add to the standing committees, a standing committee on the State Bank of Indiana.

Which was read, (the rules of the House being dispensed with,) and adopted.

On motion of Mr. Stanford, the resolution offered by himself this day and laid on the table, was taken up.

Mr. Smith of F. moved to amend the same by striking out the words "seventy-seven," and inserting in lieu thereof, "two hundred."

A division of the question being called for by Mr. Vandever, the first branch thereof was thereupon put, to wit, on striking out, and was

carried in the affirmative. And on the question to insert the number "two hundred,"

Said resolution as amended was then adopted by the House.

Whereupon Messrs. Stanford and Bigger were appointed a committee in pursuance thereof.

On motion of Mr. Smith of F.,

Resolved, That the door keeper of this House be instructed to contract with the publishers of the Journal and Democrat, to furnish for distribution at the expense of the State, five of their respective papers to each member of this House, as they are published during the session.

Mr. Bennet moved the following resolution:

Resolved, That the editors of the Journal and Democrat be admitted within the bar, as reporters of the proceedings of this House.

On a motion of Mr. Wallace, said resolution was amended, by inserting before the word editors, the words, "Douglass and Maguire, and Morrison & Bolton."

Said resolution, as amended, was then adopted.

A message from the Senate by Mr. Morris, their secretary.

MR. SPEAKER—

I am directed by the Senate, to inform the House of Representatives, that they have convened, formed a quorum, elected Austin W. Morris, secretary; James Morrison, assistant secretary; James Leviston, enrolling secretary, Elisha G. English, sergeant-at-arms, and Oliver Morse, door-keeper—and that they are now ready to proceed to legislative business.

The Senate has adopted for its government, the joint rules which were in force for the government of the last General Assembly.

Mr. Wallace moved the following resolution:

Resolved, That it shall be observed as an order of business, in the House during the present session, that not more than one hour of each day shall be occupied in the introduction and discussion of resolutions.

Mr. Kelso moved to amend the same by striking out the word "one," and inserting in lieu thereof "two."

When on motion of Mr. Stanford, said resolution and proposed amendment were laid on the table.

On motion of Mr. Smith of F.,

Resolved, That a committee of one be appointed on the part of the House of Representatives, to act with a similar committee on the part of the Senate, to wait on the Rev. Mr. Ames, and request him to attend in the Representatives' Hall, instantler, to open the present session of the General Assembly of the State of Indiana, by solemn prayer,—and that the Senate be invited to attend in the Representatives' Hall; and that seats be provided for them, on the right of the Speaker's chair.

Whereupon Mr. Smith of F. was appointed a committee, in pursuance thereof.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Dunning,

Resolved, That a committee of two be appointed on the part of this House, to act with a similar committee, to be appointed on the part of the Senate, to wait on his Excellency the Governor, and inform him that the two Houses of the General Assembly have convened, elected their officers, and are ready to receive any communication he may be pleased to make to them, and to know of him at what time he will make such communication.

Whereupon Messrs. Dunning and Bradbury were appointed said committee.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Howell,

Resolved, That a committee of two be appointed on the part of this House, to act with a similar committee on the part of the Senate, as a committee of enrolled bills.

Messrs. Howell and Leslie were appointed a committee in pursuance thereof.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Stanford,

Resolved, That John W. Davis, former Speaker of this House, be invited to take a seat within the bar of this House during his stay in Indianapolis and that the door-keeper be directed to provide a seat.

Mr. Willet, after having obtained leave, presented a bill to authorise a special election of school Trustees in Rush county.

Which was twice read, the rule of the House being first dispensed with, and ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Smith of F.,

Resolved, That the Hon. Wm. Polke, one of the framers of the Constitution of the State of Indiana, be invited to a seat in the Representatives' Hall, during his stay in this place.

Mr. Hargrove moved the following resolution:

Resolved, That this House will, (the Senate concurring therein,) proceed to the election of president Judges and prosecuting Attorneys, on Thursday next at 10 o'clock, A. M.; that the Senate be informed thereof, and a similar resolution be requested on their part. Which was read; when

Mr. Willet moved to lay the same on the table.

Which motion was decided in the negative.

On the question, shall said resolution be adopted? It was carried in the affirmative.

Whereupon Mr. Hargrove was appointed teller on the part of the House.

A message from the Senate, by Mr. Morris, their secretary:

Mr. SPEAKER—

I am instructed by the Senate to inform the House of Representatives, that they reciprocate the resolution of the House, appointing a committee to wait on His Excellency the Governor, and to inform him that the two Houses have convened, elected their officers, and are rea-

dy to hear any communication he may think proper to make; and to know of him, at what time he will make such communication; and that Messrs. Whitcomb and Feeny, are appointed the committee on the part of the Senate.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate reciprocate the resolution of the House appointing a committee to wait on the Rev. Mr. Ames, and request him to attend in the Representatives' Hall, instanter, to open the present session of the General Assembly of the State of Indiana, by solemn prayer; and Mr. Hillis has been appointed that committee on the part of the Senate.

Mr. Chapman, after having obtained leave, presented a bill to repeal a certain act therein named;

Which was read the first time and passed to a second reading.

Mr. Dunning made the following report:

MR. SPEAKER—

The joint committee appointed to wait on the Governor and inform him of the organization of both Houses of the General Assembly, have discharged the duty assigned them, and have received from the Governor information that he would meet both Houses in the hall of the House of Representatives, at 2 o'clock P. M. to-day, and make his annual communication by his Private Secretary.

Mr. Smith of F., from the joint committee, appointed to wait on the Rev. Mr. Ames, and request him to open the present session of the General Assembly, by solemn prayer, reported that they had discharged that duty, and that Mr. Ames would attend for that purpose in the Representatives' Hall, instanter.

On motion of Mr. Smith of F.,

Resolved, That the Senate be invited to attend instanter, in the Representatives' Hall, to attend divine service, and that seats be provided for them on the right of the Speaker's chair.

The Senate then came down from their chamber and took their seats on the right of the Speaker's chair—the President of the Senate on the right of the Speaker,

When the Rev. Mr. Ames came in, attended by the joint committee appointed for that purpose, and addressed the Throne of Grace with solemn prayer.

The Senate then returned to their chamber,

And then the House adjourned, until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

Mr. Bigger moved the following resolution:

Resolved, That the Clerk of this House inform the Senate, that the Speaker of the House of Representatives, will on at o'clock, proceed to open and publish the returns of the election of Governor of the State of Indiana, in presence of both House of the

General Assembly, if the Senate will at that hour, attend in the Hall of the House of Representatives, and that seats be provided for them on the right of the Speaker's chair;

Which was read and laid on the table.

On motion of Mr. Newman,

Resolved, That the Senate be invited to attend instantler, in the Representatives' Hall, for the purpose of hearing His Excellency the Governor's message to both houses, and that seats be provided for them on the right of the Speaker's chair.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate has adopted the following resolution:

Resolved, That the joint rules for conducting business in the two houses of the General Assembly be so amended as to provide for the appointment of an additional standing committee of three members on the part of each House, to act as a joint committee, and to be denominated "a joint committee on the canal fund," and that the House of Representatives be informed thereof, and their concurrence requested.

On motion of Mr. Bigger, the House concurred in the said amendment to the joint rules proposed by the Senate.

Ordered, That the Clerk inform the Senate thereof.

The Senate then came down from their chamber and took their seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker.

His Excellency then came in, attended by the joint committee appointed for that purpose, and in presence of both Houses, by Mr. Pratt his Private Secretary, delivered the following message:

Gentlemen of the Senate, and

of the House of Representatives:

Since the last annual meeting of the Representatives of the people, our State has continued its rapid advance in wealth and improvement; the current of emigration has never been exceeded; the resources of the States are rapidly developing and increasing; the condition of every class of our industrious citizens is improving, and the numerous evidences that we see every where around us of a happy and prosperous people, call upon us for public and grateful acknowledgments to the Divine Dispenser of the numerous blessings enjoyed by our country.

Our revenue continues to increase in proportion to the ordinary demands upon the Treasury: and although the system in its operation, is not as perfect or equitable as could be desired, or as economical in its assessment and collection as it ought to be, yet it is adequate to our present scale of expenditure. The receipts during the past year from all sources, amount to \$106,797 08, and the disbursements to \$121,372 23, which, with the balance on hand of 16,890 29, at the close of the last fiscal year, leaves unexpended in the Treasury, the sum of \$2,324 14. The greater expenditure, during the present year, is principally owing to the payments on account of the erection of the State House.—The annual reports from the Auditor and Treasurer of

State, will exhibit in detail, the particulars of the receipts and disbursements of the past year. I again invite the attention of the Legislature to the suggestions made in my last annual communication, as to the amendments necessary to our present revenue laws to insure greater accuracy and uniformity, as well as economy, in assessing and rating lands for taxation.

Of the various subjects which will necessarily present themselves for your consideration, during the present session, there is none more important than the prosecution of the Wabash and Erie Canal. Not only are we deeply interested in a pecuniary point of view, but our character as a State is concerned, and our public faith is pledged for its vigorous prosecution and speedy completion. During the past season, thirty-six and a half miles, in addition to former lettings have been put under contract and are now in progress. The prices at which these contracts were taken, are considered fair, although the average price per mile is higher than the contracts of last year, principally in consequence of a greater amount in lockage and additional feeders on that part of the line.

In pursuance of the provisions of an act of the last session, the Canal Commissioners have caused surveys to be made on each side of the Wabash river, from Logansport to the mouth of the Tippecanoe, with the view of determining as to the comparative eligibility of the two routes; but in consequence of the constant employment of the Engineer in field exercises, and of some delay occasioned by ill health, the estimates have not as yet been completed, but will be laid before you in due time. The expediency of crossing the Wabash at Logansport and continuing down on the south side of the river to the mouth of the Tippecanoe, and extending it thence to Lafayette, are questions involving a considerable extent of interest, about which much anxiety is felt, and which justice and public policy require, should be promptly settled by the Legislature, so soon as the necessary estimates are before them. Delay may materially affect the value of the canal lands, and a speedy determination will put an end to the suspense of those who are desirous of locating themselves near the line of the canal. The Board have also caused a survey to be made of the valley of Whitewater, from the mouth of Nettle creek to Lawrenceburgh, but for the reason before stated, no detailed report or estimate has been made. It is believed, however, by the Engineer, that the work is entirely practicable, the supply of water ample, that throughout the greater part of the line good materials are abundant, and that its feasibility is beyond a question. A few miles of the line surveyed, lies within the State of Ohio, whose assent was obtained before the survey was commenced. The duties of the Engineer and his assistants, during the past season, have been of a most arduous kind and their abilities and faithfulness have been fully tested by the Commissioners.

Since the adjournment of the last session, the canal lands belonging to this State, lying within the limits of Ohio, have been accepted by that State, upon the conditions proposed, and the ratifications have been exchanged by the Executives.

The loan in aid of the canal, authorised by the last Legislature, the Fund Commissioners have not yet permanently made, believing it good policy to delay awhile, but they have obtained sufficient supplies for the progress of the work on good terms. Their report will be laid before you. The sales of the canal lands from the 25th Nov. 1833 to the 1st day of Nov. 1834, amounted to \$67,503 90, a report of which will be made by the Commissioners.

As the resources of the State develop themselves, and the ability of our citizens to produce a surplus increases, public sentiment becomes more decidedly in favor of such internal improvements as will facilitate the transportation of such surplus to a market, and thereby increase the rewards of industry and enhance the general value of property. Since the beneficial policy of engaging in public works for the advancement of the agricultural and commercial interests of the country has been so frequently and clearly demonstrated, and while our credit is justly such as to command any amount of capital at an interest of five per cent. or less, no good reason can be assigned why we should longer hesitate to follow the successful examples of other States. New-York, Pennsylvania and Ohio had, at the commencement of their works, which have enriched their citizens, and done honour to the sagacity and enterprize of their projectors, but little more means or resources than their public credit, which enabled them to obtain in the money market such sums as they needed. The money thus procured, in the first instance, immediately benefitted the people by being thrown into circulation in payment for labor, materials and subsistence, and so soon as the works were completed, the people and the States were repaid many fold by the increased demands and higher prices for their produce; by the activity imparted to every branch of industry, and by the enhancement of the landed property of the country. The additional value alone of the lands in the district of country intersected by the Miami Canal in Ohio, far exceeds the cost of the construction. The actual wealth of a state or nation, does not consist of the sums hoarded in the Treasury, but in the wealth of the citizens and their ability to pay whenever the exigencies of the Government make contributions necessary. The Treasury of a well managed Government, is the pockets of the people, in which something should be placed by wise legislation, before much is required. To borrow money at a fair rate of interest, and expend it upon some well selected objects of paramount public utility, will not embarrass the Government or impoverish the people, but on the contrary, will enrich both. If the interest is annually raised by taxation, the ability of the people to pay these taxes is proportionally increased, because the principal of the debt is expended among them. By this process, the capital which has accumulated in the commercial cities, is transferred to the west where it is needed, and thrown into general circulation, affording means to enterprise, and stimulating to activity every department of industry. This is not mere speculation; it is theory based upon reason and abundantly verified by facts and experience.

With a view of engaging in works of internal improvement, the propriety of adopting something like a general plan or system, having reference to the several portions of the State, and the connexion of one with another, naturally suggests itself. No work should be commenced but such as would be of acknowledged public utility, and when completed, would form a branch of some general system. In this way only, can any permanent public advantage be realized, the people generally benefitted by the expenditure, and the imputation of partial or local legislation be avoided. In view of this object, the policy of organizing a board of public works, is again respectfully suggested. Such a board, acting with a view to the general interest of the State, would only sanction such as were capable of being extended and connected with each other upon some general plan, so as to open communications between the most important points, and subserve the general interests of the people.

The receipts on account of the Three per Cent. Fund, since the last annual report of the Agent, amount to \$20,105 00, falling short of the existing appropriations nearly one half. It is obvious while the present system of appropriating this fund is continued, it cannot be relied on as a means of improving our roads and highways, so as to produce any permanent public advantage. It is annually distributed in small portions to the several counties in the State, and by them again sub-divided and applied to detached portions of the numerous state roads that incumber our statute books, without reference to any continuous line of communication, between different parts of the State, and is thus frittered away in paying for mere temporary improvements, without regard to the permanent convenience or accommodation of the public. And it would seem too often to be the case, that the great object of the fund is lost sight of in efforts to distribute the money in certain neighborhoods, or to accommodate individuals by placing small portions in their hands for disbursement. It is true, that the people have been much benefitted by the expenditure of this money among them; but this should only be considered a secondary object. The money could as well be thrown into circulation and the same advantages accrue by applying it to the construction and improvement of a limited number of principal thoroughfares, selected with a view to the general advantage. If some such plan had been adopted and pursued from the commencement of the appropriations of this fund until the present time, our state would now have been intersected by a number of well improved roads that would have contributed very essentially to the public convenience and accommodation.

Our dividend for 1834, will exhaust the remaining appropriations, and I respectfully recommend that the Legislature shall authorise a loan of not less than two hundred thousand dollars, at five per cent., redeemable in fifteen years, and to be paid by your annual receipts of the three per cent. fund—which sum, if industriously applied to the construction and permanent improvement of a portion of our highways, would more essentially benefit the citizens and contribute to the wealth and resour-

ces of the State, than if yearly dividends were trebled and annually expended upon our present system.

Were I to pass by the praise-worthy and public spirited enterprise of that portion of our citizens interested in the line of rail-way designated by the Lawrenceburgh and Indianapolis charter, I should do injustice to their laudable exertions, and be remiss of my duty towards them.— Since the close of the last session, availing themselves of the provisions of their charter, they have subscribed above one hundred thousand dollars of stock; procured a survey of the major part of the line, and would have completed the location of the whole route, but for the lamented death of their Engineer. The company will report its proceedings to the Legislature, which will enable you to determine the extent of its further claims upon the patronage of the State. Our citizens upon other routes have had meetings, with a view to taking the first steps towards the commencement of similar works, but I am wholly unadvised of their further proceedings or wishes.

In pursuance of a law of last session, a commissioner has been appointed, to act in conjunction with one on the part of Illinois, in making surveys and improvements on that part of the Wabash river, which constitutes the common boundary between the two States, and has entered upon the duties of the service. Owing to sickness, nothing more has been done, than making some necessary surveys preparatory to the work. Whether the twenty-four thousand dollars appropriated, will remove the obstructions to the navigation of the rapids or not, sufficient information has not yet been obtained. A report from the commissioners may be expected.

I herewith lay before you, a report made to the Legislative Council of Michigan, with an accompanying resolution, on the subject of the southern boundary of that Territory, constituting the northern boundaries of Ohio, Illinois, and of this State. From this document, it will be seen that Michigan, notwithstanding the approval by Congress of the Constitutions of these States, in each of which their respective boundaries are clearly defined, claims as her southern boundary an east and west line drawn through the southern extreme of Lake Michigan.— Were it possible to recognize this claim, Indiana would lose a district ten miles wide, extending entirely across the northern part of the State, including one of the fairest and most desirable portions of her territory, and be entirely excluded from any access to the Lake, except through a foreign jurisdiction.

This claim can never be acceded to by Indiana, and it is highly important that the question should be brought to an early decision. During the last session of Congress, the subject was brought immediately before that body by the application of the people of Michigan to be admitted into the Union as a State, and the question underwent considerable discussion before a committee of the Senate, but no final action was had on the subject by either House. The question was then contested principally between the delegation of the State of Ohio and Michigan, the latter insisting that it is purely a judicial question,

depending upon compacts and laws already enacted, and over which Congress has no jurisdiction; and the former contending that it is a question of Legislative discretion and expediency. For the purpose of putting you in possession of the position taken by the parties, I herewith lay before you the Report of the committee of the Senate, containing the arguments and documents submitted to them by the delegation from Ohio and Michigan. The deep interest our State has in this important question will suggest to you the propriety of calling the attention of our delegation in Congress to the subject, and requesting them to unite with those of Ohio and Illinois in bringing it to a speedy determination by Congress, the only legitimate tribunal for its decision. But should Michigan succeed in procuring an admission into the Union upon an equal footing with other States, before the question is settled, Congress will no longer have jurisdiction over the subject; it will then be a question of boundary and jurisdiction between States, to be determined by the Supreme Court of the United States, most probably after a protracted and vexatious litigation. An additional reason why every exertion should be made on the part of this State to bring this question to a speedy settlement is, that as the mouth of the Maumee river and the termination of the Wabash and Erie Canal, lie within the limits claimed by Michigan, it is most probable that Ohio will suspend all co-operation in the work, until the controversy is settled; and from the proceedings of a meeting of some of the public officers and citizens, it would seem that such is their intention.

I herewith lay before you the Report of the Adjutant General of the State of Massachusetts to the Legislature, on the subject of the militia, and also joint resolutions of the States of Maryland and North Carolina, recommending the adoption, by Congress, of an uniform system that will equalize the duties and relieve the people from the burthens of the existing methods of organizing the militia under the State authorities.

The progress made in the erection of the State-house during the past season, has been highly satisfactory. Thus far, the materials used, are of the best quality, and the work is done in the most substantial manner. There is no doubt that the building will be completed by the time stipulated in the contract. Experience has already shown, that it will be absolutely necessary for the Legislature to adopt some effectual measure to prevent the work from being wantonly impaired and defaced.

With the exception of one lot, all the property belonging to the State, within the Indianapolis donation has been sold, but that which is reserved. The annual report of the Agent, will furnish you with the particulars as to the situation of the fund.

From the Report of the Visitor, the State Prison continues to be managed in a manner highly satisfactory. I herewith lay before you a communication from the Superintendent, proposing to surrender the prison, on the ground that the Clark Circuit Court, at its may term, discharged a convict on a writ of Habeas Corpus, who entered upon

his second term of service and was there detained by the keeper, for having escaped from prison during his first term of service: that being the punishment imposed by the 89th Sec. of the act relative to crime and punishment, approved February 10, 1831. The Constitution of the State, secures to every individual the right of a trial by a Jury of his country, and forbids the imposition of such penalties in the summary manner contemplated by that section. I therefore entertain no doubt of the correctness of the decision of the court, and refer the subject, with the proposition of the Superintendent, to the consideration of the Legislature.

The Saline lands have been offered for sale, except those in Monroe county, the unexpired lease on which, it was thought, would bring a better interest than the proceeds of the land; and in addition to that reason, it has been ascertained that another lot of land was reserved and belongs to the Saline, which was not named in the act of Congress authorizing the sale. The proceeds of the sales in Washington county amount to near \$8000. Of the French Lick reserve, 5,440 acres were sold at an average price of two dollars two cents per acre, amounting to \$10,988 80, leaving nearly 18,000 acres to be disposed of to individuals at private sales.

The Pottawattamie Indians, resident within the State, are making preparations to remove to the territory assigned them by the General Government, west of the Mississippi.

Another attempt has recently been made, to extinguish the title of the Miamies, to lands within the State, which has been only partially successful. They have relinquished nearly all their reserves north of the Wabash, and seven miles on the west side of the great reserve, on the south side of the river, including in the whole about two hundred thousand acres. This acquisition, however, is of importance to the State, as it removes most of the impediments from that source, to the construction of the Canal, and will soon bring into market a considerable quantity of valuable land. It is hoped that no exertions on the part of the General Government will be spared, to remove this remnant of Indians from among us.

In behalf of the cause of Education, I recommend to your special consideration, our School and Seminary laws. It is only by steadily observing the practical operations of the law, and promptly correcting its deficiencies as they may develop themselves, that we can hope to perfect the system and bring it into general acceptance with the people. It is our business and duty to foster and encourage education, and we should, therefore, studiously endeavor to adapt our legislation to the peculiar situation and circumstances of the people: even their prejudices ought to be regarded, so far as not entirely inconsistent with the great object to be accomplished. By pursuing this course, there is a greater certainty of success, than by adopting at once the most perfect system that has been devised in other States, and suited to the circumstances and opinions of a people differently situated from ours.

It is highly important that some method should be adopted of enforcing a more rigid accountability in the management of the County Seminary funds. In some instances, they are entirely squandered and lost. It is believed that at present, they are more generally paid over than formerly, to the Trustees, but there still seems to be some strange fatality attending them. I would suggest the propriety of abolishing the office of Seminary Trustee, and vesting the duties in the County Treasurer, under the supervision of the Board doing county business. The law of 1831, to provide a fund for the encouragement of common schools, directs that lists of lands and lots on which the taxes remain unpaid, shall annually be certified by the Collectors to the School Commissioners of the several counties, who shall charge such lands and lots with a penalty of fifty per cent. on the amount of taxes due thereon, and one hundred per cent. per annum until the same is paid; and farther requires the School Commissioners to certify to the Treasurer of State, on or before the 10th day of December, annually, the amount of lands on their books charged with the non-payment of taxes, and the sums paid within the year for the redemption of such lands. In the year 1832, returns were received from but twenty-four counties, and for the year 1833, the Commissioners for twenty-two counties only made any return; and of the returns received, the greater number were very imperfect and unsatisfactory. There is no penalty prescribed for the nonperformance of this duty on the part of the School Commissioners. It is recommended, that it be made the duty of some of the Executive officers, to furnish the School Commissioners with suitable forms for such reports, and impose a penalty for failing to certify as required; and also the duty of the Treasurer to certify to the Prosecuting Attorneys all delinquent commissioners, within their respective circuits. The fund that would accrue to the several counties in the State from this source, if properly managed, would be very considerable; and as it is relinquished on the part of the State from its principal source of revenue, it is the duty of the Legislature to see that the provisions of the law are strictly complied with, and that the fund is faithfully applied to the purpose for which it is granted. The law contemplates that legislative provision shall be made for the sale of such lands as shall remain unredeemed three years; but it is evident, that unless all the requisites of the law are complied with, no valid title will pass by such sale; and unless proper returns are properly made, the situation of such lands, will become involved in almost inextricable confusion and uncertainty, and will materially affect the revenue of the State. A careful revision of the law is therefore recommended.

My views in reference to our Probate System and the act regulating the practice in our Circuit Courts, as expressed in my communication to the last Legislature, remain unchanged, and the subject is again earnestly recommended to your attention.

The State Bank has just commenced operations under very favourable circumstances. The stock in all the branches authorized, was subscribed by individuals, and the instalment paid as required by the charter. The loan authorized for the payment on the stock allotted to

the State, amounting to \$500,000, was obtained at a premium of one and five hundredths per cent. on five per cent. stock, making the sum of \$5,250 on the amount borrowed.

As the ensuing session of the Legislature will be the period for a new apportionment of the members of the Senate and House of Representatives, it will be necessary, during the present session, to make provision for taking an enumeration of the free white male inhabitants throughout the State, above the age of twenty-one years, preparatory to that measure.

In pursuance of the joint resolutions of the last session, relative to the Insurance Companies within this State, agents have been appointed to make the examinations and inquiries proposed, whose reports, when received, will be laid before you.

The Commissioner on the Michigan Road has been actively engaged the past season in applying the appropriation of \$30,000, made the last session. A report from that officer will also be laid before you. A law of the last session makes it the duty of the boards doing county business in the several counties through which this road passes, to district and cause it to be worked under the direction of the Supervisors, in the same manner that other roads are worked. As it is not probable that the labour thus applied, will in all instances be in conformity to the plan of the Commissioner, and may in some instances, materially interfere with it, will it not be well to authorize the Commissioner to instruct the Supervisors as to the places and manner of applying the labour of the hands?

In compliance with a duty imposed by a joint resolution of the last Legislature, I had the honour of addressing a note to the Hon. John Tipton, to ascertain on what terms he would surrender to the State, the Tippecanoe Battle Ground, and now lay before you his reply, offering to transfer it without charge.

In the character of guardians of the public weal, you have convened for the transaction of business involving questions of deep interest to our fellow citizens, and knowing no other restraints than those imposed by our constitution, it will be for you to adopt, or reject at pleasure, the suggestions I have thought it my duty to make. If other measures in the least calculated to promote the prosperity of our citizens, or the honour of the State, shall, during your deliberations, emanate from your better judgment, they shall receive my cordial support and concurrence.

N. NOBLE.

The Senate then returned to their chamber.

On motion of Mr. Smith of F.,

Resolved, That the Public Printer be authorized to print 2000 copies of His Excellency the Governor's message for the use of the members of this House.

On motion of Mr. Bigger, the resolution offered by him and laid on the table on this day, was taken up, and the blank in the same filled by inserting the word "instantly."

On motion of Mr. Newman, said resolution was further amended by

inserting after the word "Governor," the words "Lieut. Governor."

Said resolution as amended, was then adopted.

Ordered, That the Clerk inform the Senate thereof.

Mr. Willet moved that the message of His Excellency the Governor, be committed to a committee of the whole House and made the order of the day for Thursday next.

Mr. Vawter proposed Monday next;

Which amendment prevailed, and the said motion as amended was then agreed to.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate reciprocate the resolution of the House for opening and publishing the returns of the election for Governor and Lieutenant Governor of the State of Indiana.

The Senate came down from their chamber and took their seats on the right of the Speaker's chair—the President of the Senate on the right of the Speaker. The Speaker then proceeded to open and publish in the presence of both Houses of the General Assembly, the returns of the election for Governor and Lieutenant Governor, held on the first Monday in August last, in the several counties in this state; and having made some progress therein, the Senate withdrew to their chamber,

And the House adjourned until to-morrow morning at 9 o'clock.

WEDNESDAY DECEMBER 3, 1834.

The House met pursuant to adjournment.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate reciprocate the resolution of the House of Representatives fixing on Thursday next at 10 o'clock A. M., for the election by joint ballot, of President Judges and Prosecuting Attorneys.

Mr. Clark is appointed Teller on the part of the Senate.

The Speaker appointed the following Standing Committees, to wit:

JOINT COMMITTEES.

1. *On the Public Buildings*—Messrs. Dunning, Smith of Ripley, Henkle, Carter of Carroll and Cass, Green, Wilson of Harrison, Bradbury, and Mendenhall.

2. *On the Canal Fund*—Messrs. Smith of Fayette, Conwell, and Armstrong.

3. *On the State Library*—Messrs. Wilson of H., Crume, and Shaw.

Ordered, That the Clerk inform the Senate thereof.

STANDING COMMITTEES.

1. *Of Elections*—Messrs. Angle, Chapman, Carr, Moore, Culbertson, Curtis, Brett, Johnson of Marion, McIntire, and Wilson of Parke.

2. *Of Ways and Means*—Messrs. Crume, Vawter, Conwell, Bryan, Phelps, Stanford, Hardesty, McCalley, Parks, Torbett, Currey, Wilson of V., Howell, Curtis, Carr, and Bigger.

3. *On the Judiciary*—Messrs. Ray, Smith of F., Brackenridge, Newman, Evans, Willett, Angle, Marshall, Dunning, Green, Thompson, Nave, Liston, Chapman, Johnston of F., Brett, Hannaman, and Kelso.

4. *On Education*—Messrs. Bigger, Shaw, Dunning, Henkle, Carter of C., Angle, Marshall, Vawter, Lowe, Thompson, Mendenhall, Liston, Stanford, Brackenridge, and Kelso.

5. *On Military Affairs*—Messrs. Wright, Vandever, Smith of R., Parks, Kelso, McDougale, Lockhart, Bell, Bennett, Strain, Davis, Stafford, Howell, Moore, and Storm.

6. *On the State Prison*—Messrs. Armstrong, Cook, McCalley, McDougale, Leslie, Gaddes, Hoagland, Howard, Parks, and Lockhart.

7. *On the Affairs of the town of Indianapolis*—Messrs. Stanford, Willett, Bradbury, Johnson of M., Woodruff, McIntire, Harris, Shank, Schooling, and Stafford.

8. *On Claims*—Messrs. Hargrove, Bennett, Puckett, Carter of O., Stanford, Wilson of P., Bower, Walker, Curtis, Phelps, Shank, and Strain.

9. *On Roads*—Messrs. Carter of O., Vawter, Harris, Hannaman, Bower, Bryan, Bradbury, Bell, Hargrove, Vandever, Culbertson, and Cook.

10. *On Canals and Internal Improvements*—Messrs. Evans, Newman, Shaw, Bradbury, Carter of C. and C., Crume, Walker, Davis, Lowe, Johnston of F., Rockhill, Wilson of V., Currey, Brackenridge, Latshaw, and Mendenhall.

11. *On the State Bank*—Messrs. Wallace, Bigger, Conwell, Evans, Wilson of V., Carter of C. and C., and Woodruff.

The Speaker laid before the House, the following report of the Canal Fund Commissioners, with an accompanying document:

INDIANAPOLIS, Dec. 3, 1834.

HON. JAMES GREGORY,

Speaker of the House of Representatives:

Sir—Please lay before the House of Representatives the enclosed report of the Canal Fund Commissioners, on the subject of the State Bank Loan.

Your ob't serv'ts.

WM. C. LINTON,
NICHOLAS McCARTY,
JEREMIAH SULLIVAN,

Com'rs.

INDIANAPOLIS, December 3d, 1834.

*To the Hon. the General Assembly
of the State of Indiana:*

The Canal Fund Commissioners by an act of the General Assembly, approved January 28th, 1834, entitled "An act to establish a

State Bank," are directed to contract on the part of this State, a loan of one million three hundred thousand dollars, or so much thereof as shall be required for the purposes contemplated in said act. In compliance with the provisions of the law referred to, the undersigned took measures without loss of time, to inform themselves of the condition of the money market, both at home and abroad. For this purpose one member of the Board was directed to repair, in March last, to the Eastern Cities, and to open such correspondence with persons in Europe, and by personal intercourse with capitalists and dealers in stocks at home, to acquire such information as would enable the Board to act advisedly and with the least possible delay in the premises.—The other members of the Board in due time, also visited the cities, and a full Board remained some time engaged in the duties enjoined by the law. The commercial embarrassment, and distress of the money market during the spring and part of the summer, were such as to render great circumspection necessary on the part of the Commissioners. Other States of established credit, to sustain which many capitalists were pledged by interest, had bonds in market without being able to obtain offers for them. Exchange on England, which when high, gives rise to a demand for American securities as remittances, especially when at all saleable abroad, was for a time at par, and American stocks had greatly declined both in London and on the Continent of Europe. Under these circumstances, it was deemed inexpedient to come into market with the bonds of a State, however solvent or respectable, yet so little known in the money market as ours. To have brought the stock before the public, and had it refused, or to have received no offers for it, would, it was believed, operate heavily to its prejudice in better times, and might occasion greater delay than was to be experienced from waiting a change in the commerce and business of the country, before advertising the bonds, which would insure their sale at respectable rates. The result has confirmed the Board in the correctness of the opinion formed, and propriety of the course pursued.

In the month of July, business had so far resumed its usual course, and confidence so far revived, as to justify the Commissioners in bringing the half million, required as the first instalment of the State, to the State Bank, before the public; and accordingly, on the 16th day of that month, notice was given in New York and Philadelphia, that proposals would be received at the Merchants' Bank in New York, on the 6th day of August for that sum, payable in three instalments, to wit:—thirty-five per cent. seven days after the proposals were accepted—thirty-five per cent. on the 15th day of September, and thirty per cent. on the 15th day of October, with the privilege of paying the whole at any time previous, and proposing to issue bonds bearing five per cent. interest therefor as the instalments might be paid, reserving five per cent. out of the first, as a pledge for the punctual payment of the other two.

On the 6th of August two proposals were received, each for the whole sum, to wit: one by J. L. and S. Josephs & Co., and R. and J.

Phillips & Co., at one hundred dollars and seventy-six cents for every one hundred dollars of said stock; the other by Prime, Ward & King, at one hundred and one dollars five mills, for every hundred dollars; the latter being the highest offer, was accepted.

Premium on the half million being five thousand two hundred and fifty dollars. For this portion of the bank loan, the bonds of the State have been issued, dated Sept. 13, 1834, bearing five per cent. interest; payable, principal and interest, at the Merchant Bank in New York, and redeemable after twenty and within thirty years, at the pleasure of the State—the interest to be paid semi-annually on the first days of January and July. The bonds are of one thousand dollars each—two hundred and fifty made payable to Prime, Ward & King, or bearer and two hundred and fifty to N. S. Rothschild or bearer.

The whole of this half million and the premium has been duly paid by the contractors, and a portion of it before the periods fixed for the instalments which entitled them to an allowance of interest for the time of such advance. This interest amounted to \$403 08, which being deducted from the half million, left four hundred and ninety-nine thousand five hundred and ninety-six dollars, ninety-two cents, or a deficiency of four hundred and three dollars eight cents, of the sum required, as the first instalment to the State Bank. This deficit was made up from the premium, leaving a balance of premium amounting to \$4,846 92-100.

The half million has according to law, been paid over to the order of the President and Directors of the State Bank, a copy of the State bonds issued, filed in the office of the Secretary of State, and an account of the premium filed in the office of the Commissioners of the Sinking Fund.

All of which is respectfully submitted.

WM. C. LINTON,
NICHOLAS MCARTY,
JER. SULLIVAN.

Which were severally read—and

On motion of Mr. Bigger, referred to the committee on the State Bank.

Ordered, That five hundred copies thereof, be printed for the use of the members of the House.

Mr. Shaw presented a petition of G. G. Barton and others, praying the incorporation of a company, to be denominated the Vincennes Medical Society.

Which was read and referred to a select committee, of Messrs. Shaw, Davis, and Mendenhall.

Mr. Smith of F. presented a petition of Lewis Thompson and others, praying the location of a State road from Connersville to St. Omer.

Which was read: and

On motion of Mr. Bigger,

Ordered, That the same do lie on the table.

Mr. Chapman presented a petition of G. A. Everts and others, praying a memorial to Congress to cause a route for a rail road from Buffalo, N. Y. to the Mississippi river, to be surveyed and located—and the incorporation of a company to construct a rail road on same route through Indiana.

Which was read and referred to a select committee of Messrs Chapman, Liston, Davis, Angle, and Thompson.

A message from the Senate by Mr. Morris, their secretary:

MR. SPEAKER—

I am instructed by the Senate to inform the House of Representatives, that they have adopted the following resolution—

Resolved, That the Senate will proceed to the election of Treasurer and Auditor of public accounts on to-morrow at 2 o'clock, P. M., the House of Representatives concurring therein.

On motion of Mr. Vawter, the House reciprocated the resolution of the Senate, named in said message.

Whereupon Mr. Dunning was appointed teller on the part of the House.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Smith of F., the preceding orders of the day having been postponed—

Resolved, That the Senate be invited to attend in the Representatives' Hall, instantler, while the Speaker continues to open and publish the votes for Governor and Lieut. Governor, and that seats be provided for them on the right of the Speaker's chair.

Ordered, That the Clerk inform the Senate thereof.

The Senate came down from their chamber and took their seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker: when, in the presence of both Houses, the residue of the election returns for Governor and Lieut. Governor were opened and published by the Speaker. And on counting all the votes as returned, it appeared that for the office of governor, Noah Noble had received 27,676 votes, James G. Read for the same office 19,994 votes, James B. Read 23 votes, James C. Read one vote, and Christopher Harrison one vote.

Noah Noble, of Marion county, having received a plurality of votes given, was, by the President of the Senate, in the presence of both Houses of the General Assembly declared duly elected Governor of the State of Indiana, to serve as such for the term of three years from and after this day, and until his successor be chosen and qualified.

For the office of Lieut. Governor, it appeared that David Wallace had 29,451 votes, David V. Culley 14,260 votes. David Wallace, of Fountain county, having received the highest number of votes, was, by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected Lieut. Governor of the State of Indiana, for the term of three years, from and after this day, and until his successor be chosen and qualified.

The Senate then retired to their chamber.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The Speaker laid before the House a report from Andrew Gardner, Commissioner of the Fund for the improvement of the Wabash river, showing his operations during the past year. Which was read and referred to the Committee on Canals, and Internal Improvements; and is as follows, to wit:—

To the Honorable

The General Assembly

of the State of Indiana:

The undersigned, Commissioner of the Fund for the improvement of the Wabash river, in obedience to the provisions of the 14th section of the act under which his appointment is derived, has the honor to present to your body the following annual Report:

That about the beginning of the month of September last, having met the Commissioner on the part of the State of Illinois, pursuant to the directions of the aforesaid act, and having employed Edward Smith, Esq., of that State, as engineer to make and execute the necessary examinations, surveys, plans, and estimates, contemplated and directed by the said act to be taken and had, I proceeded in conjunction with the said Commissioner, on the part of the State of Illinois, to examine the nature and extent of the several barriers, and obstructions to the navigation of that part of the river over which the two States have concurrent jurisdiction.

The surveys of all the principal obstructions and barriers to the steam-boat, and to the ordinary navigation, occurring below the falls, or Grand rapids, had been completed. These surveys have been executed, in reference to a definite location of the several plans for the improvement of the navigation, proposed to be adopted, and minute estimates of the cost of their execution have been made out; and this part of their proposed improvement is in a state of preparation to be placed under contract. By the estimates of the engineer, it appears that the sum of \$8,327 95 cents will be required, to be expended on the works, below the foot of the Grand rapids; and by making due allowance for the costs of surveys, commissions, and contingencies, it is supposed that \$10,000 will complete the necessary improvements up to that point.

The surveys of the obstructions at and above the Grand rapids, are about being completed in plans; but the definite location of the works proposed to be constructed, and consequently a minute estimate of their cost, had been unavoidably delayed, by circumstances beyond the control of the Commissioner or Engineer, until a period too late to complete the necessary computations, in time to embody the results in this report. The undersigned, however, confidently expects to

have it in his power to lay before the Legislature, at an early day in their session, should it be required of him, the results of all the examinations and surveys which have been made; and regrets his inability to do so, within the time prescribed by the act for making his annual report.

Before closing this part of the report, the undersigned begs leave to state, that the general basis upon which the surveys and plans of improvement were directed by the Commissioner to be executed, was to render the navigation of the Wabash uniform with that of the Ohio river, at the lowest stage of water in both streams, so far as it would be recommended by a sound and judicious economy. During the time the surveys were in progress, both rivers were, and had for a long time previous, been at a very depressed stage; and the examinations on the Wabash, combined with the experiments actually made with steam-boats on the Ohio, satisfactorily demonstrated that the above desirable object could be effected.

The undersigned, as Commissioner, has received from the Canal Fund Commissioners the sum of \$5,156 73, and charges himself with this amount

	\$5,156 73
The disbursements which the undersigned has paid out of this fund, up to the date of this report are as follows, to wit:—Amount paid for a boat to be used in making examinations and surveys	\$20 00
Amount paid sundry persons, for boat and camp stores and camp equipage	40 74
Amount paid hands engaged in the surveys	78 50
Amount paid postage on documents and letters relating to the Fund	2 50
My own fees for thirty-six days services, is	72 00
	<hr/>
	\$ 213 74
Balance	\$ 4,942 99

Leaving the balance of the Fund received, remaining in my hands at the date of this report, \$4,942 99, as per the foregoing report corroborated by receipts and vouchers on file.

The time I have been actually engaged in the discharge of the duties of Commissioner, amounts to thirty-six days, as above stated.

All of which is respectfully submitted.

ANDREW GARDNER.

Vincennes, Nov. 28, 1834.

State of Indiana, }
Knox County, ss. }

On the 28th day of November, A. D. 1834, personally appeared before me the subscriber, one of the justices of the peace, in and for the said county, Andrew Gardner, Esq., Commissioner, &c., and being

duly sworn, according to law, did depose and say that the facts and statements contained in the foregoing report, are true and correct, to the best of his knowledge and belief; and further this deponent sayeth not.

ANDREW GARDNER.

Sworn and subscribed, before me,
this day of Nov. 1834.

MARTIN ROBINSON, J. P. (*seal.*)

The Speaker laid before the House, the following annual report from the Secretary of State;

Which was read and referred to the committee of ways and means, to wit:

INDIANAPOLIS, 3d December, 1834.

JAMES GREGORY, Esq.

Speaker of the House of Representatives:

Enclosed is my annual report of contracts, &c., which you will please lay before the body over which you preside.

I am very respectfully,

Your obedient servant,

WILLIAM SHEETS, *Sec'y of State.*

DEPARTMENT OF STATE, }
December 3d, 1834. }

The Secretary of State respectfully reports to the General Assembly, that, on the 16th day of August last, a contract was made, agreeably to law, with

Alexander F. Morrison, for the printing of the laws of the present session of the Legislature, and the Senate Journals; and with

Messrs. Douglass & Maguire, for the printing of the Journals of the House of Representatives, the orders of either branch of the General Assembly, and for all other public printing that may be required for one year ensuing the date of the contract.

The following are the prices, to wit:

Composition on the laws for 1000 ms plain	-	45 cts.
Press work on do per token	- - -	45
Composition on the Journals for 1000 ms	- -	40
Press work on do per token for medium		40
do do do " " Royal		45
Composition on Bills, Reports, &c., for 1000 ms,		40
Press work " do do per token for Medium		40
do " do do do for Royal		45
Blanks for public offices, per ream	-	10 00

Rule and figure work, double in the composition.

The work to be done in the manner, and in the time prescribed by law.

A contract was made on the 22d of September, with John B. E. Reid, to furnish 150 cords of fire wood for the use of the present General Assembly, at 78 cents per cord.

The Laws and Journals of the last session of the Legislature, were distributed by the following persons, to wit:

John Elder	in the 1st Circuit at	-	-	-	-	\$40 00
Peter Hartzell	" 2d " "	-	-	-	-	40 00
Solomon Wells	" 3d " "	-	-	-	-	28 49
E. M. Patterson	" 4th " "	-	-	-	-	69 00
Jacob Boyer	" 5th " "	-	-	-	-	26 00
Isaac Fisher	" 6th " "	-	-	-	-	44 00
Abner Frazier	" 7th " "	-	-	-	-	34 00
Robert Patterson	" 8th " "	-	-	-	-	50 00

\$331 99

The Stationary necessary for the use of the present General Assembly, was purchased of Josiah Drake, of Cincinnati; a bill of which will be laid before the Legislature in the report of the Treasurer.

All of which is respectfully submitted.

WM. SHEETS.

The Secretary of State respectfully submits to the General Assembly, the following additions made to the State Library during the past year, viz:

15 vols. of the Family Library 50 cts.	-	-	\$7 50
Life of John Jay	-	2 vols.	5 50
Anacharsis	-	1 "	75
Storey's Commentaries	-	3 "	12 00
Stern's Works	-	1 "	2 00
Letters of John Randolph	-	1 "	1 75
England and America	-	1 "	1 50
Long's Expedition	-	1 "	2 50
Dymond's Essays	-	1 "	1 50
American Almanac	-	5 Nos.	3 75
Curiosities of Literature, 1st and 2d series	-	5 vols.	5 00
Murphy's Tacitus	-	1 "	3 00
Eloquence of the United States	-	5 "	7 50
Clay's Speeches	-	1 "	1 50
Miss Martineau's Political Economy	-	12 "	4 00
Fisher's Natural Philosophy	-	1 "	1 25
American Citizen	-	1 "	1 75
Polynesian Researches	-	4 "	3 25
Rayner's Jefferson	-	1 "	1 25
Polish Revolution	-	1 "	1 00
Schoolcraft's Mississippi	-	1 "	2 00
Hall's Sketches	-	1 "	75
Wirt's British Spy	-	1 "	75
Holmes' Annals	-	2 "	5 00
Ouseley's Remarks	-	1 "	1 25
Annals of Education (not yet come to hand)			15 00
Paid balance on the Monthly Magazine			7 00

\$100 00

There have been received during the present year from the State of

Delaware	3	copies of the Laws of	-	-	1833
N. Carolina	1	"	"	-	"
Tennessee	1	"	"	-	"
Mississippi	3	"	"	-	"
Georgia	1	"	"	-	1834
Massachusetts	3	"	"	-	"
Maryland	3	"	"	-	"
New York	3	"	"	-	"
Pennsylvania	3	"	"	-	"
New Jersey	3	"	"	-	"
Louisiana	3	"	"	-	"
Maine	3	"	"	-	"
New Hampshire	3	"	"	-	"
Ohio	1	"	"	-	"
Kentucky	2	"	"	-	"

Documents of Congress and Laws of the United States "

Maryland, 4th vol. of Gill & Johnson's Reports.

The following are all the acts of the State and Territory of Indiana, which the Secretary of State has been able to procure under the joint resolution of last session, on that subject, to wit:

- 1 copy of 1808,
- 1 copy of 1810,
- 1 copy of 1813,
- 1 copy of 1819,
- 2 copies of 1820,
- 5 copies of 1821,
- 5 copies of 1822,
- 2 copies of 1823,

Respectfully submitted,

WM. SHEETS.

Mr. Evans presented a petition of Barnum Clark, praying a divorce from his wife Lucy;

Which was read and referred to the committee on the judiciary.

Mr. Angle presented a petition of the citizens of School township No. 17, in Montgomery county, praying relief to John Peffley;

Which was read and referred to a select committee of Messrs. Angle, Henkle, and McIntire.

Mr. Carter of O., presented a petition of the Representatives of John Kirk, deceased, praying authority to sell the lands of said decedent;

Which was read and referred to the committee on the judiciary.

Mr. Lockhart presented a petition of sundry citizens of Crawford, Harrison, and Washington counties, praying a state road from Levenworth *via* Hagers' and Becks' mills to Salem;

Which was read and referred to a select committee of Messrs. Lockhart, Strain, Vandever, Phelps, Thompson, and Wilson of H.

Mr. Evans presented a petition of sundry citizens of Warren county and territory formerly attached thereto, praying that said territory may be included within the bounds of Warren county proper;

Which was read and referred to a select committee of Messrs. Evans, Henkle, Curry, and Carter of C.

Mr. Evans presented a memorial of the inhabitants of town 21, in Warren county, praying an act to legalize the sale of their school section.

Which was read and referred to the same select committee last named.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate has adopted the following resolution:

Resolved, That a committee of two be appointed on the part of the Senate, to wait on Noah Noble and David Wallace, and inform them of their re-elections for Governor and Lieutenant Governor, and know of them at what time they will attend and be sworn into office, and that the House of Representatives be informed thereof, and the appointment of a similar committee on their part requested.

Messrs. Brady and Clark have been appointed that committee on the part of the Senate.

On motion of Mr. Hargrove, the House reciprocated the resolution of the Senate named in said message; whereupon,

Messrs. Hargrove and Woodruff were appointed a committee in accordance therewith on the part of the House.

Ordered, That the clerk inform the Senate thereof.

Mr. Lockhart presented a petition of George Beck, Sen. for a divorce from his wife Mary, with an accompanying document.

Which were read and referred to a select committee of Messrs. Lockhart, Strain, Evans, M'Intire and Torbet.

The Speaker laid before the House the following report of the Canal Fund Commissioners, which was read and referred to the committee on the canal fund.

INDIANAPOLIS, DEC. 3, 1834.

HON. AMAZIAH MORGAN,

President of the Senate:

Please lay before the Senate the enclosed Report of the Fund Commissioners.

WM. C. LINTON,
N. MCARTY,
JER. SULLIVAN.

INDIANAPOLIS, DEC. 3, 1834.

*To the Hon. the General Assembly
of the State of Indiana:*

The favorable state of the weather during the month of November has enabled the Canal Commissioners, it is understood, to continue operations on the line to so late a period, as will in all probability

prevent their making, until late in the present month, the report, which by law they are required to make to the Canal Fund Commissioners, during the first week of the session of the General Assembly. Under these circumstances, the Fund Commissioners are constrained to make a partial report of the transactions of the year, so as to enable the Legislature to judge whether further legislation in regard to the matters set out, be necessary, reserving a detailed statement of the expenditures and condition of the Canal Fund, until returns of the year's operations on the canal are received.

The situation of the Canal Fund as stated in the last annual report of this Board, was such as to require a further loan during the year for the purpose of presecuting the construction of the Canal. To meet this demand, measures were taken early last spring; but such was the difficulty of making loans during the spring and early part of the summer, that the Commissioners were induced to make an arrangement for a temporary loan with the Merchants' Bank of New York, with a view of keeping the bonds of the State out of market, until the pressure then felt had subsided.

A contract was therefore entered into on the 8th day of June last, by the Commissioners on the part of the State, with the Merchants' Bank, by which the bank agreed to lend a sum not exceeding \$100,000 to the State, receiving as collateral security for the amount loaned, and the interest thereon, the bonds of the State, bearing six per cent. interest, with an understanding expressed in the agreement, that at any time after the 1st day of Jan. 1835, the Bank, on giving thirty days notice in the papers of New York, should be empowered to sell said bonds, or so much of the amount thereof as would cover the sum drawn under the contract. On the part of the State, it was stipulated that \$70,000, or a sum in proportion to the amount drawn, should be taken in the notes of said Bank, to be circulated in the State of Indiana, the residue being subject to the drafts of the Commissioners. The \$70,000 in notes has been drawn, and a considerable portion of the balance, so that steps must now be taken for the obtainment of further sums for canal purposes, and for the payment of that temporary loan. For these objects the Board is now engaged in executing three hundred bonds, of \$1000 each, to bear five per cent. interest, by the sale of one hundred, of which it is intended to replace the sum borrowed of the Merchants' Bank, and from the other two hundred to raise money for the further prosecution of the canal.

It is proposed to transmit these bonds to the Merchants' Bank, with power to sell and deliver them on payment of instalments, and under conditions to be stipulated by this Board. The very respectable standing of that institution, is a sufficient guarantee that the interests of the State will be consulted in the disposal of the bonds entrusted to its management. It is, however, the intention of the Board to have one or more of its members present, at the time of sale. As considerable expense will be saved to the State by this arrangement, it is believed the course adopted will meet the approbation of the Legislature.

The Commissioners think it proper to state, that at the time the temporary loan was made, only five per cent. had been offered for the six per cent. bonds, which it was proposed to issue, whereas the first bonds of the State sold, bearing the same rate of interest, brought 13 26-100 per cent. premium. To have disposed of them on these terms, would have made a difference in the amount required, of upwards of \$8000 against the State as compared with the first loan. This consideration, with others, induced the Commissioners to resort to a temporary loan. in order to avoid a positive sale of stock until the pressure then felt should pass off. An offer of twelve and a half per cent. has since been made for these same bonds, showing a change in the value of the stock since June last, of \$7,500.

The credit of the State is now so fully understood by capitalists as to lead the Board to the conclusion that its interests will be best consulted by issuing five per cent. stock. The bonds, therefore, now deposited with the Merchants' Bank, as collateral security for the payment of the temporary loan, will be withdrawn and cancelled, and the money raised at five per cent.

We are with great respect,

Your obedient servants,

WM. C. LINTON,
NICHOLAS MCARTY,
JER. SULLIVAN.

Commissioners.

Ordered, That 300 copies of said report be printed for the use of the members of this House.

Mr. Vawter presented a petition of Lewis Bush and other citizens of Decatur county, praying that a part of said county be attached to Jennings.

Which was read, when

Mr. Vawter moved that it be referred to a select committee.

Before the question was had thereon, it was,

On motion of Mr. Kelso,

Ordered, That said petition do lie on the table.

On motion of Mr. Bigger,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of authorizing an appeal to the Circuit Court from the decision of the Associate Judges, or President Judge, in the vacation on bill filed for an injunction, or on writ of habeas corpus; and further, that said committee be instructed to inquire into what amendments, if any, are necessary to the law relative to writs of mandamus,—and further, that said committee inquire into the expediency of authorizing the clerk of the Circuit Court upon an affidavit filed in his office in vacation, of the non-residence in the State of any defendant in Chancery on divorce cases, to make out an order of publication of such non-residence, without requiring a judge's order therefor. With leave to report by bill, or otherwise.

Mr. Chapman moved the following resolution:

Resolved, That a select committee be appointed to inquire into the expediency of so amending the 3d section of the Indiana Bank Charter, by and with the consent of the President and Directors of the said bank, that the following counties may compose the 11th district, to wit: the counties of Laporte, St. Joseph, Elkhart, Lagrange, and all the territory of country attached to said counties for Judicial purposes. And for the counties of Allen, Adams, Huntington, Grant, Wabash, Miami, and Cass, to compose the 12th district with the territory attached to said counties for Judicial purposes, and not attached to any other bank district, and for the Branch Bank in said 12th district, to go into operation the 1st Monday in February, 1835. And that the committee report by bill or otherwise.

Mr. Evans moved to refer the same to the committee on the State Bank, instead of a select committee.

When on motion of Mr. Wallace,

Ordered, That said resolution do lie on the table.

On motion of Mr. Vandever,

Resolved, That the committee on education be instructed to inquire into the expediency of so amending an act, approved February 1, 1834, providing for the sale of certain lands in the county of Orange, as to authorize the Commissioner to sell the same in forty acre lots, with leave to report by bill or otherwise.

On motion of Mr. Bryan,

Resolved, That the Judiciary Committee be instructed to inquire into the propriety of so amending the act authorizing the appointment of constables, and defining their duties, approved Jan. 17, 1831, as to authorize suits to be commenced before justices of the peace, against constables and their securities, for all sums of money collected by them and not paid over, under \$100—and report by bill or otherwise.

On motion of Mr. Shaw,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of abolishing imprisonment for debt, with leave to report by bill or otherwise.

On motion of Mr. Storm,

Resolved, That the committee of Ways and Means be instructed to inquire into the expediency of so amending the revenue laws as to require one magistrate in each township to assess and collect all taxes due in their respective townships, requiring the taxable inhabitants thereof under penalty to deliver a list of such property, and allowing such magistrate a reasonable compensation therefor.

On motion of Mr. Bryan,

Resolved, That the certificates of election presented by each member of this House be referred to the committee of elections.

On motion of Mr. Smith of F.,

Resolved, That the public printer be authorized to print 250 copies of the list of standing committees of this House for the use of the members thereof.

On motion of Mr. Evans,

Resolved, That the committee of Ways and Means be instructed to inquire into the expediency of so amending the law prohibiting the sale of foreign merchandize or groceries, as to exempt from the provisions of said law, and the penalties thereto annexed, any farmer who may receive such articles in exchange for any thing by him produced and conveyed to market.

On motion of Mr. Chapman,

Resolved, That the Secretary of State, report to this House, whether or not the persons employed to distribute the Laws and Journals of Indiana, for the year 1834, discharged the duties assigned them—and the number of copies of Journals, Acts, and Revised Laws, were left by the contractors at each county seat, or with the clerks of the several counties.

On motion of Mr. Bigger,

Resolved, That the committee of Ways and Means be instructed to inquire into the expediency of adopting, by law, a more just and equitable mode of levying taxes according to the principles of taxation usually called the ad valorem system, with leave to report by bill or otherwise.

Mr. Smith of F. moved the following resolution:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law regulating the jurisdiction and duties of Justices of the Peace, as to prevent either a plaintiff or defendant from testifying to his own account, claim or demand in any case in which he may be called upon by the opposite party to deny under oath the matter which may be alleged against him.

A motion was made by Mr. Chapman, to lay said resolution on the table.

Which was decided in the negative—and

On the question, shall the resolution be adopted?

It passed in the affirmative.

On motion of Mr. Johnson of F.,

Resolved, That the committee on the Judiciary be instructed to inquire into the constitutionality of so much of the act entitled an act concerning vagrants, as authorizes the Circuit Courts to try any person on the charge of vagrancy, and direct him to be hired out, and if the same be deemed unconstitutional, that they inquire into the expediency of amending said law, that any person charged with being a vagrant shall be tried by a jury upon presentment or indictment in the Circuit Court.

On motion of Mr. Evans,

Resolved, That when any petition, remonstrance, or resolution is referred to any standing committee, the member presenting or introducing the same, shall be a member of said committee in any matter connected with said petition, remonstrance or resolution.

On motion of Mr. Kelso,

Resolved, That the committee on military affairs be instructed to in-

quire into the expediency of revising the whole of the militia law of this State, and report by bill or otherwise.

On motion of Mr. Shaw,

Resolved, That the judiciary committee be instructed to inquire into the expediency of repealing the 3d section of an act approved January 27, 1834, in relation to a fund for a fire engine, entitled, an act supplemental to "an act or acts, incorporating the borough of Vincennes," and report by bill or otherwise.

Mr. Nave moved the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of establishing as many Probate Circuit Courts, and Judges thereto, as there are Judicial Circuits within the State of Indiana; and to hold as many terms as the Legislature may designate. The said Probate Circuit Courts, having all the powers both in law and chancery, that the said several Probate Courts now have.

Mr. Evans moved to lay said resolution on the table; which motion did not prevail, and

On the question to adopt the resolution,

It was decided in the negative.

On motion of Mr. Brett,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the act relative to the duties of justices of the peace, as that in all suits before such justices, a mistake in the form of action, shall be no cause of non-suit; provided the plaintiff's case be so stated as to place the defendant or defendants fairly on their defence, with leave to report by bill or otherwise.

Mr. Hargrove made the following report:

MR. SPEAKER—

The joint committee appointed to wait on the Governor and Lieutenant Governor elect, and know of them at what time they will attend and be sworn into office, have discharged the duty assigned them, and received from the Governor and Lieut. Governor elect, information that they would meet both Houses in the Hall of the House of Representatives, instant.

On motion of Mr. Willet, the several orders of the day, which precede the bill to authorize a special election of School Trustees in Rush county, were for the present postponed.

Said bill was then read the third time and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

On motion of Mr. Hargrove,

Resolved, That the Senate be invited to attend in the Hall of the House of Representatives, instant, to be present while the Governor and Lieut. Governor are sworn into office, and that seats be provided for them on the right of the Speaker's chair.

Ordered, That the Clerk inform the Senate thereof.

The Senate came down from their chamber and took their seats on the right of the Speaker's chair—the President of the Senate, on the right of the Speaker; when Noah Noble, Governor elect, and David

Wallace, Lieutenant Governor elect, came in, attended by the joint committee appointed for that purpose; who then in the presence of both Houses of the General Assembly, respectively took the oath of office prescribed by the constitution, which was administered by the Hon. Isaac Blackford, one of the Judges of the Supreme Court; after which, His Excellency Noah Noble, delivered the following address:

*Senators, Representatives, and
Fellow-Citizens:*

In all countries where the people exercise the natural and inherent right of self-government, it has been the usage, in accordance with their individual sense of ultimate responsibility to our Creator, to provide, that the assumption of delegated power, by a public agent, should be preceded by an appeal to Him who is the author of natural and political existence, and who holds his creatures responsible according to that which is committed to their charge.

With that usage I have just complied, by performing the impressive ceremony of renewing my pledge of support to the Constitution of our State, and common country, appealing to Heaven for the integrity of intention, with which I undertake the discharge of public duties: and custom requires that I should, in the presence of the Representatives of the people, repeat my vows of faithfulness to the public interests, to the charter of our liberties, and of my earnest co-operation with you and your successors, in consulting for the good of our common constituents and for the glory of the State.

Whilst the experience of one term, as the Executive of the State, has taught me how easily the most ardent aspirations and upright intentions, may fail in the accomplishment of ends designed for the public good, a re-election to the same high office encourages the hope, that my past labours in the public service have not been wholly unavailing and unacceptable to my fellow citizens; and for this most gratifying manifestation of their continued regard and confidence, I avail myself of this auspicious moment to express to them, through their Representatives present, my grateful acknowledgements, and to assure them, that the measures taken and found to be consonant with the public interest and sentiment, thus sanctioned by them, shall be urged onward, on my part, with a zeal commensurate with their importance.

Of these measures, that of establishing and maintaining public schools has been a favorite one, and if prosecuted as it should be, will lead our youths in the path to fame, wealth, and rational gratifications of the mind, and elevate the character of our State. The venerable statesmen who framed, for us, that constitution which we have each promised to respect, in the discharge of legislative and executive duties, have declared that "public instruction is necessary to the preservation of a free government," and as that instrument enjoins it upon you to make suitable provision for the support of common schools, so far as any thing remains to be done, in the least calculated to advance that object, the duties of the Legislature will not be fully discharged.

Let us then acquit ourselves of our respective obligations by a use of the means and an exercise of the appropriate powers granted, for it may be safely affirmed, that our laws for the preservation of public peace, for the suppression of vice, and the prevention of crime, will be inoperative, until from the proper means of information and a just sense of duty, our citizens shall all respect them, and be too proud and too honourable to evade their injunctions. It is not legal liability nor a fear of punishment that will command obedience to public law, but our admiration for those institutions, which respect private and political rights and secure us in our persons and property.

Next to the preservation and perpetuity of our plan of self-government by affording the necessary means of instruction, it will be our province and duty to encourage agriculture and commerce, by diminishing the labour, expense and risk of our citizens in vending the proceeds of their industry, and thereby augment public resources and private wealth. To realize benefits that would flow from these, we must in part, rely upon the improvement of our artificial and natural channels of communication for the conveyance of our heavy commodities to market. We must, by perseverance and a wise application of the means under our control, hasten the completion and extension of the public works in which we are now engaged. These, however, will accommodate but a portion of our citizens—other avenues will be needed; and if not mistaken in the indications of public sentiment, our fellow citizens in the eastern section of the State now demand a line of canal along the valley of White-water—those of the interior urge their claims for a similar work, pursuing the course of the White rivers. The intersection of these proposed lines with the Wabash and Erie Canal, by the way of the Mississineway, with a suitable number of railways projecting to and from the interior of the State, where no canalizing facilities are afforded, may be so arranged as to constitute an acceptable general plan, that will extend its benefits to every portion of the State. I do not however advance the opinion that all the routes alluded to are entitled to the immediate patronage of the State, nor that they should all be commenced during my second term of service; but I feel assured, that the day is not remote, when the public exigencies and sentiment will force them upon the attention of the Legislature; and in reference to the ultimate ability of the State to accomplish so much, relying upon her own energies and resources, or upon those, combined with individual patronage, it remains for us only to look at our peculiar situation in the territory of the United States, to the streams constituting our eastern and western frontier, to those interspersed through the interior, to the lake on the north, to our minerals, our rich forests and our climate, to our superior soil, our towns and villages, to our unprecedented increase in population and to the industry, public spirit and enterprise of our inhabitants, and a view of these will quiet all doubts upon that subject.

In our future annual meetings, there is but little hope of my having much cause to congratulate you with improvements in military science. That branch of the public service, once the pride and boast of our

citizens, has fallen far behind "the spirit of the age," and has grown odious to Legislation and to the public. It is prostrate, and cannot be resuscitated until shorn of its obnoxious features, by the interposition of the national arm. Believing, therefore, that the people neither see nor feel the utility of a service which is a severe tax upon their time without any visible improvement, I shall not deem it my duty to urge changes in a system, the evils of which cannot be remedied by State legislation, and which has no hold upon the affections of our citizens.

On account of the five years exemption of the new lands from taxation, the expenses of the government have been borne, in a great measure, by the people of the older counties. That grievance will however be soon removed by the late surrender of Indian title, over the northern section of the State, and that it may further abate, every encouragement should be afforded to the settlement of the new districts. These considerations, with that of providing for the wants of the new population, will require additional local regulation, and in adding the new territory to our civil jurisdiction, I will afford such assistance as may be in my power.

In various sections of the State our present plan of supplies to the Treasury, is creating discontent, on the ground that its exactions are oppressive to the land holders, and it is probable the Legislature, at its present or a subsequent session, will be called on to abandon the existing plan and introduce that of the ad valorem system.

For the support of government, the burthen of taxation should be distributed equally, and levied from capital actively employed, from real and personal estate, in proportion to the productive quality of each, much of which will escape contribution, except under the operation of the ad valorem system.

Between the specific and ad valorem modes, my judgment has always chosen the latter, on account of its equity, and because it is the only one that will reach every class of our citizens, but in consequence of the disparity in the value of landed property in the old and new districts of the State, I have hitherto doubted the policy of a change. It is contended, however, that the relative disproportion does not exist to the extent supposed, and can only be traced in a few counties.

The first step necessary towards an ad valorem system, that of procuring a schedule, including every description of property that should be made liable to contribution, with the value of each, will afford information that will enable the Legislature to act advisedly upon the measure, and the proposed change can either be suspended or consummated, as may be found expedient. With that view I will favor such measures as may lead to the desired change.

In the event that the proposed improvement in our revenue system is effected during my second term of service, I shall deem it the proper time to say something in behalf of our State and judicial officers.

It is well known to you all, that at the period of the organization of our State government we were poor, and that our revenue was deriv-

ed from little more than 60,000 inhabitants, and consequently, was insufficient to allow liberal salaries to those officers. Since that time, we have advanced in population to near half a million, our resources and wealth have increased in equal ratio, and yet no additional compensation has been allowed for the vast increase of business that has devolved upon them, and it is a remarkable fact, that while our inferior judicial officers, the justices, in many of our business villages, are receiving, in perquisites, more than a thousand dollars per year, those who adjutate, in the last resort, upon matters involving life, liberty, and fortune, receive but seven hundred, a sum entirely insufficient to support them, to enable them to purchase books necessary to a proper discharge of public duty, and one which, after a life spent in the public service, must, in old age, leave their families in poverty.

Our citizens are too just and too generous to refuse their public servants a reasonable compensation, and during the remainder of my constitutional term of service, it will afford me some gratification to share in the responsibility and honor of making better provision for these officers, a measure so necessary for the public service and for the honor of the State.

My views of public policy, generally, having been fully given in my communication with the Legislature and elsewhere, I have, in much brevity, noticed some of the prominent measures that should be acted on during my continuance in office. I now enter upon the duties of the situation to which I am again called by the kindness of my fellow citizens, with a zeal, inferior only to my consciousness of an inability to a proper discharge of its duties. Relying, however, for aid upon that Being, of whose providential care we have so many evidences, and upon the support and indulgence of the Legislature, I entertain the hope, that my official course may prove honorable to myself and beneficial to those over whose general interests it is my honor to preside.

N. NOBLE.

The Senate then retired to their chamber,

And then the House adjourned until to-morrow morning at 9 o'clock.

THURSDAY MORNING, Dec. 4, 1834.

The House meet pursuant to adjournment.

The Speaker announced the following change in the order of business heretofore announced, until otherwise ordered by the House, to wit:

Reports from the committee on the State Bank, next after the reports from the committee on Canals and Internal Improvements—and

Next after, reports from the Committee on Public Buildings, the

committee on the Canal Fund, and the committee on the State Library, to report in the order above named.

Mr. Dunning presented a petition of J. B. Lowe and others, citizens of Monroe county, praying relief to Peter Whitesel.

Which was read and referred to a select committee of Messrs. Dunning, Parks, and Carter of O.

Mr. Hoagland presented a petition of Walter Spencer, jr. praying to be divorced from his wife Amy—

Which was read; when Mr. Hoagland moved that the same be referred to a select committee.

Mr. Stanford asked a reference to the Judiciary committee instead of select. When,

On motion of Mr. Willet,

Ordered, That said petition do lie on the table.

Mr. Wilson of V. presented a petition of John D. Taylor and others, citizens of Vigo county, praying a change in the State road leading from Terre Haute via Rockville, to Crawfordsville.

Which was read and referred to a select committee of Messrs. Wilson of V., Hardesty, and Lowe.

Mr. Howell presented a petition of Wm. P. Hudson and others, praying a change in the State road leading from Boonville to Rockport.

Which was read and referred to the committee on roads.

Mr. Vandever presented a petition of Julius Turner and others, praying a special act to confirm the title to certain real estate, to the "Lost river Baptist Church."

Which was read and referred to a select committee of Messrs. Vandever, Thompson, and Carter of O.

Mr. Chapman presented a petition of James Hostetter and others, praying the formation of a new county.

Which was read and referred to a select committee of Messrs. Chapman, Evans, Liston, Rockhill, and Carter of C.

Mr. Liston presented a petition of Alexis Provoncille, a citizen of St. Josephs county, praying a special act to provide for a called session of the St. Joseph Circuit Court.

Which was read and referred to a select committee of Messrs. Liston, Davis, and Chapman.

Mr. Davis presented a petition of I. D. Farmer and other citizens of Tippecanoe and Clinton counties, praying that the county road leading from Lafayette to the Michigan road, two miles north of the township line, dividing townships 22 and 23, be declared a State road.

Which was read and referred to a select committee of Messrs. Davis, Henkle, and Curry.

Mr. Shaw presented a petition of John C. Holland, school commissioner of Knox county, praying an act to authorize the sale of certain school lands therein named.

Which was read and referred to the Committee on Education.

On motion of Mr. Vawter,

Resolved. That the Senate be invited to attend in the Hall of the House of Representatives, instanter, in order to proceed with the election of Circuit Judges, and Prosecuting Attornies, and that seats will be provided for them on the right of the Speaker's chair.

Ordered, That the Clerk inform the Senate thereof.

The Senate came down from their Chamber, and took their seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker: when both Houses of the General Assembly proceeded by joint ballot, to the election of a President Judge, for the 2d Judicial Circuit, to fill the vacancy occasioned by the death of the Hon. John F. Ross.

On counting the ballots, it appeared that John H. Thompson received 96 votes for that office. Scattering, 10 votes.

John H. Thompson having received a majority of all the votes given, was by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected President Judge of the 2d Judicial Circuit, to serve as such, until the 27th day of January, 1838.

Both Houses then, in like manner, proceeded to the election of a President Judge of the 5th Judicial Circuit, to fill the vacancy occasioned by the resignation of the Hon. B. F. Morris.

On counting the ballots, it appeared that Wm. W. Wick received 64 votes for that office. Philip Sweetser, 20 votes. John Eckles 20 votes. Scattering, 3 votes.

William W. Wick having received a majority of all the votes given, was by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected President Judge of the 5th Judicial Circuit, to serve as such until the 2d day of Jan. 1836.

Both Houses proceeded in like manner to the election of a Prosecuting Attorney for the seventh Judicial Circuit.

On counting the ballots, it appeared that David McDonald received 57 votes for that office. John Cowgill received 49 votes. Scattering, one vote.

David McDonald having received a majority of all the votes given, was by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected Prosecuting Attorney for the 7th Judicial Circuit, to serve as such for the term of two years.

Both Houses proceeded in like manner to the election of Prosecuting attorney of the 8th Judicial Circuit.

On counting the ballots it appeared that

Samuel C. Sample received 83 votes for that office,
Scattering 23 votes:

Samuel C. Sample having received a majority of all the votes given, was by the President of the Senate, in presence of both houses of the General Assembly, declared duly elected Prosecuting Attorney of the 8th Judicial Circuit, to serve as such for the term of two years.

Both houses then in like manner, proceeded to the election of Prosecuting Attorney of the 4th judicial circuit:

On counting the votes, it appeared that

John Pitcher received 87 votes for that office,
Scattering 18 votes:

John Pitcher having received a majority of the whole number of the votes given, was by the President of the Senate, in presence of both houses of the General Assembly, declared duly elected Prosecuting Attorney of the 4th judicial circuit, to serve as such the term of two years.

The Senate then retired to their chamber,
And the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

Mr. Evans, after having obtained leave, moved the following resolution:

Resolved, That the Doorkeeper be instructed to furnish and place in the Hall of the House of Representatives, two good stoves.

Mr. Parks moved to lay the same on the table;

Which motion did not prevail.

And on the question, shall said resolution be adopted?

It passed in the affirmative.

Mr. Leslie presented a petition of William Gwyn and others, owners and proprietors of lots in the town of Lanesville, in Harrison county, praying a change in the platt of said town;

Which was read and referred to a select committee of Messrs. Leslie, Wilson of H., and McDougle.

On motion of Mr. Dunning,

Resolved, That this House will, on this day at 3 o'clock P. M., proceed to the election of a Commissioner for the reserved township of land in Monroe county, that the Senate be informed thereof, and a similar resolution be requested on their part, and that be appointed Teller on the part of this House; whereupon,

Mr. Dunning was appointed Teller on the part of the House.

Mr. Crume presented an account of James A. Groves, for sundry services;

Which was read and referred to the committee on claims.

Mr. Liston presented a petition of Luther Newton and others, praying an act legalizing the proceedings of the Commissioners locating a state road from South Bend to the east line of the State in the direction of Vistula, on the Maumee Bay;

Which was read and referred to the committee on roads.

On motion of Mr. Vawter, the petition of sundry citizens of Decatur county on the subject of attaching a part of that county to Jennings, presented by him on yesterday and laid on the table, was taken up, and referred to a select committee of Messrs. Vawter, Bryan and Shank.

Mr. Liston presented a petition of Clark Babcock and others, praying a State road from Laporte to the western boundary of the State, in the direction of Hickory creek;

Which was read and referred to the committee on roads.

Mr. Evans, from the select committee to which was referred a petition on that subject, reported a bill to legalize the sale of a certain school section therein named;

Which was read the first time and passed to a second reading.

On motion of Mr. Kelso,

Resolved, That the committee on Education be instructed to inquire into the expediency of revising an act entitled "an act incorporating Congressional townships and providing for public schools therein," approved February 2d, 1833, and to make report thereon to this House.

On motion of Mr. McDougale,

Resolved, That a select committee be directed to inquire into the expediency of exempting the tools of mechanics from execution for debt, to an amount not exceeding twenty-five dollars, with leave to report by bill or otherwise.

Messrs. McDougale, Bower, Strain, and Vawter, were appointed a committee in pursuance thereof.

On motion of Mr. Ray,

Resolved, That the Judiciary committee be instructed to inquire what amendments ought to be made to the act entitled, "an act for the relief of insolvent debtors," approved Feb. 9, 1831, and report by bill or otherwise.

On motion of Mr. Kelso, Mr. Walker was added to the Committee on Education.

On motion of Mr. Dunning, Mr. Moore was added to the Committee of Ways and Means.

Mr. Carter of O., moved the following resolution:

Resolved, That the Committee of Ways and Means be directed to inquire into the expediency of so amending the act entitled "an act for assessing and collecting the revenue," approved Feb. 10th, 1831, as to make it exclusively the duty of the Sheriffs in the respective counties of this State, to collect the state and county revenue, and to pay it over as directed by law, and to reduce the fees for collecting the same, and report by bill or otherwise;

Which was read, when,

On motion of Mr. Wallace,

Ordered, That the same do lie on the table.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate reciprocate the resolution of the House fixing on this day at three o'clock P. M. for the election of a commissioner for the reserved township of land in Monroe county.

Mr. Sigler has been appointed Teller on the part of the Senate.

The Senate has adopted the following resolution:

Resolved, That the Senate will proceed to the election of an Agent of State for the town of Indianapolis, on this day at 4 o'clock P. M. (the House of Representatives concurring therein,) and that the House of Representatives be informed thereof and a similar resolution on their part requested.

Mr. Mastin has been appointed Teller on the part of the Senate.

On motion of Mr. Smith of F., the House reciprocated the resolution named in said message; whereupon;

Mr. Vawter was appointed Teller on the part of the House.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Evans, Messrs. Stanford and Bell were added to the committee on Canals and Internal Improvements.

On motion of Mr. Hannaman,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of repealing the second section of an act, approved Feb. 3d, 1834, entitled, an act to amend an act regulating the practice in suits at law, approved January 29th 1831, with leave to report by bill or otherwise.

On motion of Mr. Stanford,

Resolved, That the committee on Education be instructed to inquire into the expediency of so amending the law on the subject of public schools, so that each school district of any township, having school funds, shall be entitled to a due proportion of such funds, according to the number of persons in each, between the ages of four and sixteen years, and of giving to such districts, power to use their several portions of such funds, either in building school houses or supporting schools, as may best suit their interests.

On motion of Mr. Vandever,

Resolved, That the committee on Education be instructed to inquire into the expediency of authorizing the several boards doing county business in the several counties, to lay off as many seminary districts in the several counties, as they may think proper, for the promotion and encouragement of education in the several counties; and further, to provide for a more equitable distribution of the seminary fund:—with leave to report by bill or otherwise.

The Speaker laid before the House the following report of the Trustees of the Indiana College, with an accompanying document:

The Board of Trustees of Indiana College, in compliance with a joint resolution of the General Assembly of the State of Indiana, concerning said College, approved Jan. 25. 1830, respectfully report—

That in consequence of the non-attendance of a quorum of the Board of Trustees last year, owing to the prevalence of cholera in this place, no report was made to your honorable body at that time. In 1832, when the board last met, they were under the necessity of re-organizing the Faculty of the College, by the appointment of Messrs. Parks and Elliott; the former in the place of Mr. Hall, Professor of Languages, and the latter gentleman in lieu of Mr. Harney, Professor of Mathematics. Since that period, harmony and unanimity of sentiment exist among the gentlemen composing the Faculty of the College, and it is truly gratifying to the Board, that they can bear ample testimony, not only to the talents and acquirements of the President and Professors, but to the industry and assiduity of those gentlemen in their several departments. When the last report was made, the number of

students was between fifty and sixty; that number has considerably increased, and they at this time amount to eighty-three,* as per catalogue accompanying this report, which also contains the names and places of residence of the students; by which it will be perceived that a large majority of them are inhabitants, and many of them natives of this State. The new college edifice is not yet entirely completed, but hopes are entertained that it will be so, at an early period; the board conceiving it to be their duty to husband the resources of the institution as much as possible; therefore but a small portion of its funds is annually appropriated for this purpose.

The college library contains at this time, as per report, between four and five hundred volumes. These consist of history, geography, chemistry, philosophy, belles letters, and a number of miscellaneous works, a considerable portion of which were presented by individuals to Doctor Wylie, for the use of the college.

An appropriation of seventy-five dollars per annum has been made for the gradual increase of the library, and the Faculty have been instructed to make a code of by-laws, on the principle of keeping it up, and see the same executed.

An appropriation, also, has been made of one thousand dollars, to be expended under the direction of the President and Professor of Mathematics, for procuring a chemical and Philosophical apparatus, in addition to the instruments already on hand.

The Faculty of the college consists at present of a President, Andrew Wylie, D. D., and the two before named gentlemen, namely:—Messrs. Parks and Elliott; the former receives a salary of \$1,300, and the latter \$725, each per annum; also a Tutor, for the preparatory department has been employed, at a salary not exceeding three hundred dollars per year.

Heretofore part of the salary of the Faculty was contingent on the tuition fees, but it is now made permanent, in consequence of the comparatively large increase of the number of students.

An act of your honorable body was some time since passed, authorizing the sale of one of the reserved sections of land belonging to the college, lying immediately south of the edifice—part of the section was sold, and the commissioner did not feel authorized to offer the remainder, without a renewal of the act, as the limitation had expired. The board would therefore respectfully suggest the propriety of the Legislature renewing the act, for the sale of the balance of the south section.

In proceeding to the last requirement of the joint resolution of the General Assembly, namely: whether the 10th section has been complied with. This section forbids the introduction into the college of sectarian tests, or the inculcation of sectarian principles. The board take great pleasure in assuring the General Assembly, that they are unacquainted with the slightest abuses of the kind, nor do they appre-

* Since this Report was made, the number of students has increased to nearly a hundred.

hend any difficulty on this score can arise at any time, when it is recollected that the members of this board belong to different religious denominations of christians.

The members present at the last session of the board, were, David H. Maxwell, Jonathan Nichols, Leroy Mayfield, James Blair, Joshua O. Howe, and Wm. C. Foster, of Monroe county, Wm. Hendricks, of Jefferson, Dennis Pennington, of Harrison, Seth M. Levenworth, of Crawford, and Allen Wiley, of Dearborn county.

WM. C. FOSTER.

Chairman of the Committee appointed for this purpose.

Bloomington, Sept. 30, 1834.

COURSE OF STUDIES.

The preparatory department.—Arithmetic, English grammar, geography, Latin grammar, historæ sacræ, Viri Homæ, Cæsar, Sallust, Cicero's select orations, and English compositions.

COLLEGE PROPER.

Freshman class. 1st Session.—Ovid, Virgil, (Bucolics, Georgics, and Æneid,) Horace, (odes, satires, epistles, Carmen Seculare, de arte poetica,) and Valpy's Greek grammar, compositions.

2d Session.—Greek grammar, Delectus, Greek testament, collectanea Græca Minora, Græca majora commenced, compositions, and Themes.

Sophomore class. 1st Session.—Græca majora, (first and second volumes,) Herodotus, Thucydides, Xenophon, Polybius, Lysias, Isocrates, Demosthenes, Plato, Aristotle, Dionysius, Halicarnassus, Longinus, Homer, Hesiod, Sophocles, Euripides, Theocritus, Bion, Moschus, Sappho and Anacreon.

2d Session.—Cambridge mathematics, algrebra, with the formation and application of Logarithms, geometry, plane, spherical and descriptive.

Junior class. 1st Session.—Cambridge mathematics, plane trigonometry, spherical trigonometry, application of algebra to geometry. Projections, dialling, mensuration, plane and trigonometrical surveying, differential and integral calculus, with practical exercises.

2d Session.—(Cambridge mathematics, physics, and optics,) statics, dynamics, hydrostatics, hydrodynamics, hydraulics, acoustics, optics, Mitchel's chemistry, with a course of experimental lectures, by Prof. Elliott, and lectures on grammar and philology, by Dr. Wylie.

Senior class. Mental and moral philosophy, evidences of Christianity, in connection with natural religion. Rhetoric, with a review of select portions of the Greek, Latin, and English classics, logic, political economy, constitution of the U S. Cicero de Oratore and Homer.

REMARKS.

The Faculty, to whom is entrusted the government, and instruction of the students, consists of the President, who is also professor of mental and moral science—a Professor of mathematics, natural philosophy

and chemistry, and a Professor of languages—a Teacher of the preparatory department, and such other tutors as may from time to time be found necessary. The course occupies four years; the first three sessions, (after entering college,) are spent in Professor Parks' department; the second three in Professor Elliott's, and the last two in Dr. Wylie's.

All the members of college are engaged on Saturdays, in exercises in oratory, elocution, and composition, under the superintendence of the President, and professor of languages.

No young man will be suffered to remain in connection with the institution, who does not give evidence of a mind worthy of cultivation, and a disposition to improve all his opportunities.

The course of studies pursued in Indiana College is intended to make thorough scholars and practical men. The attention of the student is directed to but one primary object at a time, and his whole force and energies required to be concentrated on that object, and in this way it is found that more can be acquired, and more thoroughly understood, than by distracting the mind by a multiplicity of pursuits.

COMMENCEMENT. The commencement for conferring degrees, is held annually, on the last Wednesday of September.

The meeting of the board of trustees and visiters is held annually, on the Monday preceding the commencement.

Stated meetings of the Faculty are held on Saturdays at eleven o'clock, A. M.

Expenses. The tuition fee is \$7 50 per session, or \$15 per annum, and the contingent fee for wood, sweeping, &c., \$1. Board, lodging, &c. can be had at from \$1 25 to \$1 50 per week.

Arrangements are now making, in preparing rooms in the college buildings for the accommodation of students, which will materially diminish their expenses and promote their improvement.

Which was read and referred to the committee on Education.

On motion of Mr. Vawter,

Ordered, That 300 copies of said report be printed, for the use of the members of this House.

On motion of Mr. Bryan,

Resolved, That the Senate be invited to repair to the Hall of the House of Representatives, instantler, for the purpose of electing an Auditor and Treasurer of State, and a Commissioner for the reserve township of lands, in Monroe county, and an Agent of State for the town of Indianapolis, and that seats be provided for them on the right of the Speaker's chair.

Mr. Crume moved the following resolution:

Resolved, That the committee of Elections be directed to report to this House, a bill providing for the election of County Treasurers by the people of the several counties.

Which was read and laid on the table.

On motion of Mr. Evans,

Resolved, That the Doorkeeper be instructed to provide at the ex-

pense of the State, a more convenient table for the Speaker of this House.

On motion of Mr. Storm,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law relative to estrays as to permit any house-holder to take up animals going stray, provided he shall render satisfactory security to the justice acting on the case, that he will faithfully and honestly account for the property so taken up, according to law.

Mr. Hoagland moved the following resolution:

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of so amending the act entitled an act to regulate the mode of doing county business in the several counties in this State, approved January 19, 1831, as to repeal so much of the 20th section of said act as relates to the election of the several officers therein named (except constables,) and that the boards doing county business in the several counties in this State be required to appoint the said several officers in said section named (except as before excepted) at their May session annually, with leave to report by bill or otherwise.

Mr. McDougale moved to lay said resolution on the table;

Which motion did not prevail.

Mr. Marshall moved to strike out the *exception* therein contained;

Which motion was decided in the negative.

The said resolution was then adopted by the House.

On motion of Mr. Stafford,

Resolved, That the Committee of Ways and means be directed to enquire into the expediency of abolishing the office of Agent of the 3 per cent. fund and of making it the duty of the Treasurer of State to attend to the duties thereof, and report to this House by bill or otherwise.

On motion of Mr. Nave,

Resolved, That the Judiciary Committee be instructed to make the following inquiries, to wit: *First*—Is there a due regard for the liberty of the citizens, and a just and impartial administration of the laws of the State of Indiana, and is it not imperiously required that fees be allowed the Judicial and Ministerial Officers of said State, for their services as such officers in all criminal cases where the State fails in her prosecutions, equal to those now allowed by law where she succeeds. *Second*—Should not provision be made for the fees of witnesses attending in all criminal cases whatever, in the several Circuit Courts of this State, and before Justices of the Peace, without regard to the result thereof. *Third*—And also to inquire into the expediency of making the voluntary prosecuting witness amenable to the officers of Court and witnesses for all costs in case of the failure of the State, unless the Court shall determine that there was probable cause of prosecution.

On motion of Mr. Howell,

Resolved, That the committee on roads be instructed to inquire into the expediency of providing by law some more efficient mode of oper-

ing and repairing public roads and highways; with leave to report by bill or otherwise.

On motion of Mr. Conwell,

Resolved, That the Committee on Education be instructed to inquire into the expediency of so amending the law on the subject of common schools as to authorize the School District Trustees, to give a certificate to any persons, whose local situation makes it inconvenient for them to have their children taught in the school district in which they reside so as to enable such persons to draw from their proper township their proportional part of the proceeds of their respective school sections.

Mr. Liston, after having obtained leave, presented a joint resolution on the subject of the distribution of the laws of the State and the reports of the Supreme Court;

Which was read the first time and passed to a second reading.

The Senate then came down from their chamber, and took their seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker, when both Houses proceeded by joint ballot to elect an Auditor of Public Accounts. On counting the ballots it appeared that

Morris Morris had received 101 votes for that office,
Scattering 2 votes.

Morris Morris having received a majority of the whole number of votes given, was therefore declared by the President of the Senate, in presence of both Houses, duly elected Auditor of Public Accounts, to serve as such for the term of three years from and after the 24th day of January next.

The convention then proceeded by ballot to elect a Treasurer of State; when it appeared that

Nathan B. Palmer had received 97 votes for that office,
Scattering 6 votes.

Mr. Palmer having received a majority of the votes given, was by the President of the Senate, in presence of both Houses, declared duly elected Treasurer of State for the term of three years from and after the close of the present session of the General Assembly.

The convention then proceeded by ballot to elect a Commissioner of the reserved township of land in Monroe county; and on such ballot

William Alexander received 87 votes,
Scattering 13 votes.

William Alexander having received a majority of all the votes, was by the President of the Senate, in presence of the convention, declared duly elected Commissioner as aforesaid.

Both Houses then proceeded by joint ballot, to the election of an Agent of State for the town of Indianapolis, and on counting the votes, it appeared that

Ebenezer Sharpe received 84 votes for that office,
Scattering 12 votes.

Mr. Sharpe having received a majority of all the votes given, was by the President of the Senate, in presence of both Houses, declared

duly elected Agent of State for the town of Indianapolis, to serve as such for the term of three years,

And the Senate withdrew to their chamber,

And then the House adjourned until to-morrow morning at 9 o'clock.

FRIDAY MORNING, DEC. 5, 1834.

The House met pursuant to adjournment.

Mr. Smith of F., presented a petition of Moses Strong, praying relief.

Which was read and

On motion of Mr. Smith of F., referred to a select committee.

Whereupon, Messrs. Smith of F., Bigger and Bennet, were appointed that committee.

Mr. Chapman presented a petition of Ephraim Seely and others, praying a memorial to Congress, asking the survey of a route for a rail road from Buffalo, N. Y., to the Mississippi river, &c.;

Which was read and referred to the same select committee, to which a petition on the same subject was heretofore referred.

Mr. Dunning presented a petition of J. B. Lowe and others, citizens of Monroe county, praying relief to Nathan Padget;

Which was read and referred to a select committee of Messrs. Dunning, Parks and Storm.

Mr. Bennet presented a petition of Thomas R. Chunn and others, citizens of Union county, praying an act authorizing boards doing county business, to lay off county roads on any section line in the respective counties in the State, &c.;

Which was read and referred to the Committee on Roads.

Mr. Stafford presented a petition of L. Reynolds and others, praying the location of a state road from Alexander Cox's in Morgan county, to the bridge over White river on the National Road;

Which was read and referred to the committee on roads.

Mr. Hargrove presented a petition of Alexander R. Downey and others, citizens of Gibson county, praying a change in the mode of doing county business, in said county, from Commissioners to Justices of the Peace;

Which was read and referred to a select committee of Messrs. Hargrove, Shaw and Howell.

Mr. Liston presented a petition of Hiram Dayton and others, citizens of St. Joseph county, praying the location of a state road from South Bend, to the county seat of Huntington county;

Which was read and referred to the committee on roads.

Mr. Phelps presented a petition of John Edwards and others, citizens of Crawford county, praying a change in the law "for opening and repairing public roads and highways," so far as relates to said county;

Which was read and referred to the Committee on Roads.

Mr. Thompson, from the select committee, to which was referred a petition on that subject, reported a bill to legalize the election of Trustees;

Which was read the first time and passed to a second reading.

Mr. Angle, from the select committee to which was referred a petition on that subject, reported a bill for the relief of John Peffley, a purchaser of school lands in the county of Montgomery;

Which was read the first time and passed to a second reading.

Mr. Shaw, from the select committee to which was referred a petition on that subject, reported a bill to incorporate the Vincennes Medical Society;

Which was read the first time and passed to a second reading.

The Speaker laid before the House a communication from the Secretary of State, in answer to a resolution of the House of the 3d inst. on the subject of the distribution of the Laws and Journals;

Which was read and laid on the table.

Mr. Lockhart, from the select committee to which was referred a petition of George Beck, reported a bill to divorce the petitioner from his wife Mary Beck;

Which was read, when

Mr. Wallace moved to reject the same. Before the question was had thereon,

The House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment, and resumed the consideration of the bill to divorce George Beck from his wife Mary Beck, pending at the last adjournment.

The question recurred—shall said bill be rejected?

The ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bennet, Bower, Bradbury, Brett, Bryan, Conwell, Culbertson, Davis, Gaddes, Hannaman, Hardesty, Harris, Johnston of F., Kelso, Marshall, McCalley, Mendenhall, Newman, Parks, Puckett, Ray, Shank, Shaw, Smith of F., Stanford, Thompson, Walker, Wallace, Wilson of P., Wright, and Gregory Speaker—32.

And those who voted in the negative are,

Messrs. Bell, Bigger, Carr, Carter of C., Chapman, Cook, Crume, Curtis, Dunning, Evans, Henkle, Hoagland, Johnson of M., Latshaw, Leslie, Lockhart, Lowe, McDougle, McIntire, Moore, Nave, Phelps, Schooling, Smith of R., Stafford, Storm, Torbet, Vawter, Willet, Wilson of H., Wilson of V., and Woodruff—32.

So said motion was decided in the negative.

On motion of Mr. Willet, the vote last taken was re-considered.

The question recurred on rejecting the bill, and the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bennet, Bower, Bradbury, Brett, Bryan, Conwell, Culbertson, Davis, Gaddes, Hannaman, Hardesty, Harris, Howard, Johnston of F., Kelso, Liston, Marshall, McCalley, Mendenhall, Newman, Parks, Pucket, Ray, Rockhill, Shank, Shaw, Smith of F., Stanford, Thompson, Walker, Wallace, Wilson of P., Wright, and Gregory Speaker—36.

And those who voted in the negative are,

Messrs. Bell, Bigger, Brackenridge, Carr, Carter of C., Carter of O., Chapman, Cook, Crume, Curtis, Dunning, Evans, Green, Hargrove, Henkle, Hoagland, Howell, Johnson of M., Latshaw, Leslie, Lockhart, Lowe, McDougle, McIntire, Moore, Nave, Phelps, Schooling, Smith of R., Stafford, Storm, Strain, Torbet, Vandever, Vawter, Willet, Wilson of H., Wilson of V., and Woodruff—39.

So said bill was not rejected.

Ordered, That it pass to a second reading.

Mr. Liston, from the select committee to which was referred the petition of Alexis Provonille, reported a bill to authorize the St. Joseph Circuit Court to hold a special session;

Which was three times read, (the rules of the House having been dispensed with) and passed.

Ordered, That it be entitled an act, and the clerk carry it to the Senate and ask their concurrence.

On motion of Mr. Leslie, Mr. Kelso was added to the select committee to which was referred a petition of certain citizens of Harrison county, praying a change in the platt of the town of Lanesville.

On motion of Mr. Kelso.

Resolved, That the judiciary committee be instructed to inquire into the expediency of authorizing the Sheriffs of the several counties in this State, to serve witnesses and jurors by leaving a certified copy of the process at the residence of such witness or juror, and that they have leave to report by bill or otherwise.

On motion of Mr. Brett,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the probate law as to throw all suits by or against Executors, Administrators or Guardians, into the circuit courts, or before justices of the peace; as the amount of each claim, or the nature of each case may permit or require, leaving to the Probate Judges under the present title, or the title of surrogate, exclusive jurisdiction in all matters relating to the probate of last wills and testaments, granting letters testamentary, letters of administration and of guardianship, the settlement and distribution of decedents' estates, and the examination and allowance of the accounts of Executors,

Administrators and Guardians, to be compensated for the performance of the various duties, by such fees as may be deemed reasonable, with leave to report by bill or otherwise.

On motion of Mr. Leslie,

Resolved, That a select committee be appointed to inquire if any, and what amendments are necessary to an act entitled "an act for opening and repairing public roads and highways," approved, February 10, 1831, in consequence of the 68th section of said act authorizing boards doing county business to cause bridges to be built over water-courses, under the rules and regulations that ferries are established, and also to examine a transcript of the proceedings of the board of County Commissioners of the county of Floyd, authorizing a toll bridge by virtue of said 68th section of said act; with leave to report by bill or otherwise; whereupon,

Messrs. Leslie, Wilson of H., and McDougale, were appointed a committee in pursuance thereof.

On motion of Mr. Bryan,

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of so amending the law regulating domestic attachments, as to require the defendant, after entering special bail for his appearance, to give bond for the delivery of the property in case judgment should be given against him, before it is delivered to him by the officer serving the attachment, and making provisions for paying the garnishee, where they are not indebted, and where the time of their contracts has not arrived; with leave to report by bill or otherwise.

Mr. Evans moved the following resolution:

Resolved, That the Agent of the three per cent. fund be requested to report to this House, the amount of the three per cent. fund which has been appropriated from the commencement of the State Government to this time, giving in said report a definite account of where and for what object each appropriation has been made, together with the amount of the yearly income of said fund to the State;

Which was read, and

On motion of Mr. Bigger,

Ordered, That the same do lie on the table.

Mr. Parks moved the following resolution:

Resolved, That the Judiciary Committee be requested to inquire into the expediency of so changing the probate law as to cause it to be transferred to the president judge of each circuit court in the State, and for him to do and perform all things appertaining to said office, and so change the time and manner of holding Circuit Courts, to suit the said contemplated change, and report by bill or otherwise;

Which was read, when

Mr. Nave moved to amend the same, by striking it out from the resolving clause, and inserting in lieu thereof the following:

"That the Committee on the Judiciary be instructed to inquire into the expediency of abolishing the present probate system, and give the several circuit judges full and complete jurisdiction of all matters of probate both in law and chancery, by amending an act entitled 'an act

regulating the practice in suits at law,' approved January 20th, 1831, and also 'an act regulating the practice in chancery,' approved February 10th, 1831, and give said circuit courts 3 terms in the year, and report by bill or otherwise."

Mr. Vawter called for a division of the question, the first branch of which was thereupon put, to wit: on striking out.

And passed in the affirmative—and on the question to insert the matter proposed by Mr. Nave, it passed in the affirmative.

Mr. Evans moved further to amend the said resolution, by adding thereto the following: "and to increase the salary of the Circuit Judges to \$1000."

Which motion did not prevail.

And on the question, shall said resolution be adopted? It passed in the affirmative.

On motion of Mr. Henkle,

Resolved, That the committee on Education be instructed to inquire into the propriety of so amending the existing school laws, as to authorize the trustees of two or more adjoining townships, to constitute school districts in certain cases, out of parts of such adjoining townships; with leave to report by bill or otherwise.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

I am instructed by the Senate, to inform the House of Representatives, that Messrs. Payne, Hanna, and Morgan are appointed on the part of the Senate, a joint committee on the canal fund.

On motion of Mr. Thompson,

Resolved, That the judiciary committee be instructed to inquire into the constitutionality and expediency of the power of the General Assembly, to grant divorces in any case whatever; with leave to report the result of their deliberations by resolution or otherwise.

Mr. Bryan moved the following resolution:

Resolved, That the committee on Education be instructed to inquire into the expediency of so amending the law authorizing the voluntary payment of military fines, that the same may be paid to the school commissioner only for the use of the school district in which the person paying such fine resides—to report by bill or otherwise.

Which was read—when

Mr. Kelso moved that said resolution be referred to the committee on military affairs, instead of the committee on education.

Which motion did not prevail.

Said resolution was then adopted.

Mr. Hoagland moved the following resolution:

Resolved, That a select committee be appointed, to inquire into the expediency of amending the act entitled an act, to regulate trials of the right of property, approved Feb. 1, 1834, so as to repeal so much of the 5th section of said act, as allows of a stay of execution on judgments rendered on forfeited bonds, executed by persons claiming property from under execution, as in said act provided, with leave to report by bill or otherwise.

Which was read—and
 On motion of Mr. Kelso,
 The same was so amended, as to make the reference to the judiciary committee.

Said resolution, as amended, was then adopted by the House.

On motion of Mr. Wilson of H.

Resolved, That a select committee be appointed to inquire if any, and what amendments are necessary to the law regulating the taking up of water crafts, and other articles of value, going adrift. With leave to report by bill or otherwise.

Whereupon, Messrs. Wilson of H., Nave, and Phelps were appointed a committee in pursuance thereof.

Mr. Chapman moved the following resolution:

Resolved, That the committee to whom was referred the petition of James Hostetter and others, praying the formation of a new county out of certain territory therein named, report a bill dividing all the unorganized territory north of the Wabash, (of which the county prayed for is a part,) into suitable districts, for new counties, and fix the boundaries thereof.

Which was read—when

On motion of Mr. Smith of F.,

Ordered, That the same do lie on the table.

On motion of Mr. Kelso,

The resolution moved by Mr. Crume, and laid on the table on yesterday, relative to electing County Treasurers by the people, was taken up.

Mr. Bigger moved to amend the same, as follows:—

Strike out all after the word “directed,” and insert, “to inquire into the expediency of vesting all the duties of county treasurer, school commissioner, and trustee of the seminary fund in one person, and providing for his election by the people.”

Mr. Bell called for a division of the question, and it was thereupon put, to wit: on striking out.

Which was decided in the negative.

On motion of Mr. Kelso,

Said resolution was amended, by inserting “county surveyor,” after the word “treasurer.”

On motion of Mr. Stanford,

The same was further amended, by inserting “collector,” after “surveyor.”

On motion of Mr. Smith of R.,

Said resolution was further amended, by adding, “seminary trustee.”

On motion of Mr. Evans,

The same was further amended, by adding “assessor.” When,

On motion of Mr. Willet,

Ordered, That the same do lie on the table.

On motion of Mr. Strain,

Resolved, That the committee of Ways and Means be instructed to inquire into the expediency of abolishing the offices of collector, and

make it the duty of every individual to pay over his part of the revenue to the county treasurer, on or before some day certain; with leave to report by bill or otherwise.

On motion of Mr. Hoagland,

The petition of Walter Spencer, praying to be divorced from his wife, heretofore presented by him and laid on the table, was taken up, and referred to a select committee of Messrs. Hoagland, Armstrong, McCalley, and Bower.

Mr. Armstrong moved the following resolution:

Resolved, That a committee of two be requested to call on his Excellency Noah Noble, and procure a copy of his inaugural address for publication, and that 500 copies thereof be printed for the use of the members of this House.

On motion of Mr. Willet,

Said resolution was amended, by inserting 1000 instead of 500.—Said resolution, as amended, was then adopted.

Messrs. Armstrong and Wallace were appointed a committee in accordance therewith.

On motion of Mr. Walker,

Resolved, That the committee on roads be instructed to inquire into the expediency of so amending the road law as to make it compulsory on viewers and reviewers of roads appointed by the proper authority to serve as such and receive a reasonable compensation for their services.

Mr. Moore moved the following resolution:

Resolved, That the door-keeper of this House procure, as they are published, three copies of the Indiana Democrat, and three copies of the Indiana Journal, for the use of each of the clerks, and the door-keeper of this House, during the present session, at the expense of the State.

Which was read—when

Mr. Angle moved to lay the same on the table.

Which motion did not prevail.

On motion of Mr. Willet,

Said resolution was amended, by striking out the word "three," and inserting in lieu thereof, the word "five."

Said resolution as amended, was then adopted.

Mr. Carter of C., after having obtained leave, presented a bill to legalize the election of probate judge of the county of Miami.

Which was read the first time, and passed to a second reading.

And then the House adjourned until to-morrow morning at nine o'clock.

SATURDAY MORNING, DEC. 6, 1834.

The House met pursuant to adjournment.

The following message was received from the Senate on yesterday, by Mr. Morris, their Secretary.

MR. SPEAKER—

The Senate has passed an engrossed bill, (No. 1,) entitled "an act to locate a State road in Switzerland county, in which the concurrence of the House of Representatives is requested.

The bill named in said message was read the first time and passed to a second reading.

Mr. Curry presented a petition of David Clark and others, citizens of the town of Crawfordsville, praying an amendment to the 19th section of an act, providing for the incorporation of towns, approved Feb. 10, 1831, so far as relates to said town of Crawfordsville.

Which was read and referred to a select committee of Messrs. Curry, Angle, and Nave.

Mr. Phelps presented a petition of J. L. McNaghton and others, citizens of the town of Levenworth, praying an act of incorporation for said town.

Which was read and referred to a select committee, of Messrs. Phelps, Howell, and Wilson of H.

Mr. Chapman presented a petition of John Shelby and others, praying a memorial to the Congress of the United States, for the survey of a route for a rail road from Buffalo, N. Y. to the Mississippi river, &c.

Which was read and referred to the same select committee, to which two several petitions on the same subject, were heretofore referred.

Mr. Davis presented a petition of James H. Stewart and others, citizens of Carroll county, praying that the provisions of an act entitled "an act providing for draining the swamps, ponds, marshes, and other low grounds, within the counties of Tippecanoe, Montgomery, Clinton, and Warren," approved Feb. 3, 1822, be extended to said county of Carroll.

Which was read and referred to a select committee, of Messrs. Davis, Carter of C., and Henkle.

Mr. Leslie presented a petition of W. A. Porter and others, praying that William L. Methes, of the county of Harrison, be divorced from his wife Attala.

Which was read and referred to the committee on the judiciary.

Mr. Leslie presented a petition of Norman Mulkins, praying to be divorced from his wife Eleanor.

Which was referred to the committee on the judiciary.

Mr. Lowe presented a petition Robert Mitchel and others, praying a change in part of the State road leading from Clinton to Greencastle.

Which was read and referred to a select committee, of Messrs. Lowe, Wilson of V., and Wilson of P.

Mr. Hargrove from the committee on claims, made the following report:

The committee on claims, to which was referred the account of James A. Groves, on that subject, report the following resolution:

Resolved, That the committee of Ways and Means be directed to allow James A. Groves in the specific appropriation bill, eight dollars and fifty cents, for services rendered, in repairing the Representative Hall, &c. Which was read and concurred in by the House.

Mr. Dunning, from the select committee to which was referred a petition on that subject, reported a bill, (No. 11,) for the relief of Peter Whitesell.

Which was read the first time and passed to a second reading.

Mr. Wilson of V., from the select committee to which was referred a petition on that subject, reported a bill, (No. 12,) to repeal a part of the 1st section of an act locating a State road from Terre Haute, by way of Rockville, to Crawfordsville.

Which was read the first time and passed to a second reading.

Mr. Parks, after having obtained a suspension of the order of business for that purpose, presented a bill, (No. 13,) to establish a certain road therein named, a State road.

Which was read the first time and passed to a second reading.

Mr. Mendenhall moved the following resolution:

Resolved, That a select committee of ten be appointed, one from each bank district, to inquire into the expediency of obtaining, by loan, for a term of years, not less than twenty, a sum of money equal to \$15,000 for each county now containing one thousand legal voters, (with privileges to new counties to be included so soon as their inhabitants equal above said number,) the said money to be paid over to the several county authorities, or to other agents to be appointed, in three equal annual instalments, to be by them applied to the making one good road through each county, the county seat in each county to be one point in said roads; with leave to report by bill or otherwise.

Mr. Smith of R., moved to amend the same, so as to include the two bank districts hereafter to be organized, and to enlarge the committee by the appointment of two from each district.

Before the question was had thereon, it was,

On motion of Mr. Wallace,

Ordered, That the resolution and proposed amendment do lie on the table.

Mr. Leslie, after having obtained leave, and a suspension of the previous order of business, presented a bill, (No. 14,) to provide for the election of one Justice of the Peace, in the towns therein named.

Which was read the first time and passed to a second reading.

On motion of Mr. Bennet,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the act regulating the jurisdiction and duties of Justices of the Peace, approved February 10th, 1831, that every Constable to whom any writ of *capias ad satisfaciendum* may be directed, shall be bound to make due return thereof to the justice who issued the same, within sixty days, with leave to report by bill or otherwise.

Mr. Vawter moved the following resolution:

Resolved, That the Committee on Canals and Internal Improvements, be instructed and directed to report a bill authorizing the Canal Fund Commissioners, to borrow on the faith of the State of Indiana, one million four hundred thousand dollars, in Europe or elsewhere, provided the interest on the same shall not exceed four and a half per cent. per annum, reimburseable any time after thirty years, and within fifty years, pledging the 3 per cent. fund for the payment of the interest on the sum borrowed, the money borrowed to be advanced as needed in the construction of rail roads, from and to the following points, to wit: from Evansville to Lafayette, \$200,000; from Lafayette to Michigan City, \$200,000; from Madison to Indianapolis, \$150,000; from Indianapolis to Lafayette, \$150,000; from or near the Falls of the Ohio river to a point of intersection on the Madison and Indianapolis rail road, near Columbus, \$100,000; from Lawrenceburgh to Indianapolis, \$150,000; from New Albany to Terre-Haute, \$180,000; from Leavenworth to a point of intersection on the New Albany and Terre-Haute rail road, at or near where the same may cross the east fork of White river, \$70,000; from Connersville to the county seat of Huntington, \$200,000: *Provided however*, That no advances shall be made on the part of the State to any of the contemplated roads, until a company or companies have formed and subscribed for all the remainder of stock, necessary to complete in whole, either of said roads, and then the State to make advances in the same proportion that the stockholders collectively do. Any company so organizing on either of said roads, shall hold in common with the State, an equal interest in all profits and tolls, on any road commenced or completed, until the State be fully reimbursed for all advances made, together with the interest on the same, after which the entire interest of the State to such road, to vest in the company holding stock in the same, subject to such provisions of law as the Legislature from time to time enact relative to rail roads within the State;

Which was read and laid on the table.

On motion of Mr. Johnston of F.,

Resolved, That the Committee on Education be instructed to inquire into the expediency of so amending an act entitled "an act relating to county seminaries," approved Feb. 4th, 1831, as to require the Board of Trustees of any County Seminary, as soon as a suitable edifice shall have been erected for a public seminary in such county, and apparatus procured, to apply all moneys that may remain in their hands, or which may thereafter come into their hands after the payment for the erection of such building, and the purchase of such apparatus, to the payment of a competent teacher or teachers for such seminary; and also, so as to require that such Board of Trustees forthwith employ a competent teacher or teachers for their County Seminary, applying the seminary funds in their hands, or which may come into their hands, for such purpose as aforesaid; with leave to report by bill or otherwise.

Mr. Shaw moved the following resolution:

Resolved, That the Judiciary committee be instructed to inquire in-

to the expediency of amending the 2d section of an act approved Feb. 2d, 1832, entitled "an act to provide a fund to encourage common schools," so that lands returned in those counties where there was no School Commissioner elected to redeem from, may be redeemed by paying 64 per cent on taxes assessed thereon, and on paying subsequent taxes; with leave to report by bill or otherwise.

On motion of Mr. Ray, the same was amended by making the reference to the Committee on Education instead of the Judiciary Committee.

Said resolution was then adopted.

On motion of Mr. Crume,

Resolved, That when this House adjourn, it will adjourn until Monday morning at 10 o'clock.

Mr. Chapman moved to take up the resolution heretofore presented by him and laid on the table, relative to the Indiana Bank Charter;

Which motion did not prevail.

Mr. Brackenridge moved the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of repealing or extending the operation of all special or partial laws relating to or regulating the administration of justice, and the method of doing county business, so that the law on such subjects may be uniform throughout the State, and that they report by bill or otherwise;

Which was read, when,

On motion of Mr. Vandever,

Ordered, That the same do lie on the table.

Mr. Carter of C., after having obtained leave, presented a bill (No. 15) to attach certain territory therein named;

Which was read the first time and passed to a second reading.

On motion of Mr. Smith of F.,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the existing laws relative to administrators and executors, as to authorize an administrator or executor to sell any part of the personal property belonging to the estate of his intestate, at private sale. whenever in his opinion it may promote the interest of such estate: *Provided*, that he shall first obtain from the Probate Court an order for such sale.

On motion of Mr. Newman,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the 72d section of the law regulating the jurisdiction and duties of Justices of the Peace, approved February 10th, 1831, as to enable any person who may have appealed from the judgment of any Justice of the Peace, on good cause shewn, to the Circuit Court of the proper county, by affidavit or otherwise, to file his appeal papers although such appeal may have been taken more than twenty days before the time of filing.

Mr. Henkle moved the following resolution:

Resolved, That the Doorkeeper of this House be instructed to deposit with the Secretary of State, 100 copies of the rules of this House,

to be by him preserved for the use of the members of the ensuing session;

Which was read, and,
On motion of Mr. Willet,

Ordered, That the same do lie on the table.

Mr. Kelso moved the following resolution:

Resolved, That the Committee on Canals and Internal Improvements be requested to enquire into the expediency of authorizing a loan of \$250,000 by the State, pledging the 3 per cent. fund therefor, the same to be redeemable at any time between 20 and thirty years, at the option of the State, the loan to be made at a rate of interest not exceeding 5 per cent., said loan to be divided upon some equitable plan of distribution among the several counties of this State, to be applied to the improvement and construction of public roads and highways, with leave to report by bill or otherwise;

Which was read and laid on the table.

On motion of Mr. Hoagland,

Resolved, That the committee on Elections be instructed to inquire into the expediency of so amending the laws regulating general, county, and township elections as to make it the duty of any candidate or elector contesting the election of any person declared duly elected according to law, to pay the costs occasioned by such contest, should such candidate or elector fail to succeed, with leave to report by bill or otherwise.

Mr. Dunning moved the following resolution:

Resolved, That the Committee of Ways and Means be requested to inquire into the expediency of so amending the several sections of the revenue act as relates to the present mode of assessing the taxable property of the several counties, so as to transfer the same to one person in each township, whose compensation shall be an exemption from the performance of military duty for the year for which they may be appointed, with leave to report by bill or otherwise;

Which was read, when

Mr. Carter of O. moved to amend the same, by inserting after the words "military duty," "and from working on roads and highways."

Mr. Smith of F., moved to lay said resolution and motion to amend, on the table; and before the question was had thereon,

The House adjourned until Monday morning at 10 o'clock.

MONDAY MORNING, DEC. 8, 1834.

The House met pursuant to adjournment.

David Kilgore, the member elect from the county of Delaware and all the territory attached thereto, appeared, produced his credentials, was sworn into office by Caleb Scudder Esq., and took his seat.

On motion of Mr. Crume,
Mr. Kilgore was added to the judiciary committee, and to the committee on military affairs,

The Speaker laid before the House the following annual report of the Agent of the Three per cent. Fund:

AGENT'S OFFICE, DEC. 5, 1834.

Mr. Speaker—Please lay before the House of Representatives the enclosed report.

Very, respectfully,

B. I. BLYTHE,
Agent Three per cent. Fund.

A statement of the situation of the Three per cent. Fund, made in conformity with a resolution of the House of Representatives, adopted Jan. 16, 1832.

No. of Road and County.	Road Commissioners and Names of Counties.	Appropriations to each Road and County.	Drafts paid.	Balances due.
12	George White	\$2,712 23	\$2,701 19	11 04
14	Gara Davis	3,033 80	3,025 02	8 78
20	John C. Kibby	4,192 75	4,062 14	130 61
55	Mount Vernon to Collins' Ferry	125		125
Rivers	Amount paid on 51 roads	107,422 30	107,422 30	
7	James Duktworth	100		100
	Appropriation to nine rivers paid off	1,950	1,950	
1	Allen county	1,387 50	800	587 50
2	Boone county	1,500	900	600
3	Bartholomew county	1,500	811 43	688 57
4	Clinton county	1,387 50	800	587 50
5	Carroll county	900	700	200
6	Cass county	1,000	900	100
7	Clark county	1,500	900	600
8	Crawford county	1,500	900	600
9	Clay county	1,387 50	900	487 50
10	Dearborn county	1,500	900	600
11	Decatur county	1,500	900	600
12	Dubois county	1,500	800	700
13	Delaware county	1,500	800	700
14	Dayless county	1,500	900	600
15	Elkhart county	1,500	800	700
16	Fountain county	900	900	
17	Floyd county	1,500	800	700

18	Franklin county	\$ 1,500	\$ 340	\$ 660
19	Fayette county	1,500	800	700
20	Gibson county	1,500	800	700
21	Grant county	1,500	800	700
22	Huntington county	1,387 50	400	987 50
23	Harrison county	1,500	900	600
24	Hendricks county	1,500	900	600
25	Hancock county	1,500	900	600
26	Hamilton county	1,500	900	600
27	Henry county	1,500	800	700
28	Greene county	1,500	900	600
29	Jackson county	1,500	800	700
30	Jennings county	1,500	900	600
31	Jefferson county	1,500	1,000	500
32	Johnson county	1,500	900	600
33	Knox county	900	800	100
34	Lawrence county	1,500	800	700
35	Laporte county	1,500	800	700
36	Lagrange county	1,500	900	600
37	Miami county	1,300	600	700
38	Montgomery county	1,387 50	810	577 50
39	Morgan county	1,500	900	600
40	Marion county	1,500	930	570
41	Madison county	1,500	900	600
42	Martin county	1,500	800	700
43	Monroe county	1,500	900	600
44	Orange county	1,500	400	1,100
45	Owen county	1,500	900	600
46	Parke county	900	900	
47	Posey county	1,500	700	800
48	Perry county	1,500	400	1,100
49	Pike county	1,500	800	700
50	Putnam county	1,387 50	900	487 50
51	Ripley county	1,500	875	625
52	Randolph county	1,500	900	600
53	Rush county	1,500	900	600
54	St. Joseph county	1,500	900	600
55	Scott county	1,500	800	700
56	Switzerland county	1,500	850	650
57	Spencer county	1,500	800	700
58	Shelby county	1,500	900	600
59	Sullivan county	900	800	100
60	Tippecanoe county	900	800	100
61	Union county	1,500	900	600
62	Vermillion county	900	800	100
63	Wabash county	1,387 50	640	747 50
64	Warren county	900	800	100
65	Washington county	1,500	900	600

66	Vanderburgh county	\$ 1,500	\$ 800	\$ 700
67	Vigo county	900	800	100
68	Warrick county	1,500	800	700
69	Wayne county	1,500	800	700
70	Adams county	1,500	410	1,090
71	White county	487 50		487 50
	Wabash appropriation.	7,000		7,000
		\$ 225,136 08	176,427 08	48,709 00

Received from the Treasury of the United States \$ 197,516 30
 Received from State Treasury on account of Canal Fund 2,550 00
\$ 200,066 30

Retained to meet Agent's commission and salary 4,121 68
\$ 195,944 62

Incidental expenses reported last year 197 20
 Postage up to 30th Sept. 1834 5 06
 Stationary up to this date 10 00
212 26
\$ 195,732 36

Appropriated over the amount drawn 29,403 72

Appropriated to different roads, rivers, and counties \$ 225,136 08

Commissioners' Drafts reported last year 163,155 07½
 Drafts since paid, and now reported 13,272 00½
176,427 08
\$ 48,709 00

Appropriated over the amount drawn 29,403 72

Balance on hand \$ 19,305 28

B. L. BLYTHE,

Agent Three per cent. Fund.

Which was read—and
 On motion of Mr. Wallace,
 Referred to the committee on roads.

Mr. Wallace moved that 300 copies of said report be printed for the use of the members of this House.

Mr. Chapman moved that 500 copies be printed instead of 300;

Which motion passed in the affirmative.

The Speaker laid before the House the following annual reports of the Directors of the State Bank, and the Commissioners of the Sinking Fund:

INDIANAPOLIS, December 5, 1834.

JAMES GREGORY, Esq.

Speaker of the House of Representatives:

Herewith are the Annual Reports from the Board of Directors of the State Bank, and the Commissioners of the Sinking Fund, to be laid before the House of Representatives.

I am, &c.

S. MERRILL.

OFFICE OF THE STATE BANK, }
Indianapolis, Dec. 5, 1834. }

*To the Hon. the General Assembly
of the State of Indiana:*

The Board of Directors of the State Bank in compliance with the provisions of the act establishing a State Bank, respectfully report, that on the 13th of February, 1834, the Directors elected on the part of the State, assembled at Indianapolis, and with their President were duly qualified into office, and respectively gave the bonds required of them as Commissioners of the Sinking Fund. James M. Ray was chosen their Cashier, and on deciding by lot the terms which the several Directors were to continue in office, that of R. Morrison was drawn for one year; S. W. Norris for two years; C. Fletcher for three years, and L. H. Scott for four years. At this time the Branches were located as follows: 1st District, Indianapolis—2d, Lawrenceburgh—3d, Richmond—4th, Madison—5th, New Albany—6th, Evansville—7th, Vincennes—8th, Bedford—9th, Terre-Haute, and 10th, Lafayette. Commissioners for receiving subscriptions of stock, were appointed for the respective districts, and the notice required by law was directed.

A special meeting was called the 20th of May to receive the returns of stock subscriptions, when it appeared that the amount required by the charter, had been subscribed in each of the districts, of which notice was immediately given to the Canal Fund Commissioners, then in New York.

The loan authorized by the State, to pay the first instalment on the State stock, was effected on the 6th August—since which no time has been lost in preparing to commence banking operations. The individuals subscribing stock, promptly paid their first instalment, at the time required of them: the proper officers for the Branches, were all duly elected, their proceedings were approved at the first general meeting of the parent Board, held the 17th Nov.; the State Stock was subscribed, and the first instalment has been paid over, or is on the way for that

purpose. The Governor, by his proclamation of the 19th November, authorized the commencement of banking operations, and several of the branches have, it is understood, commenced business, though as yet no reports of their operations have been received at the parent Board.

The expenses incurred in organizing the Bank, providing books, and banking apparatus for the Branches, as allowed by the parent Board, amounted to \$614 45 each Branch, except that at Madison, which required no gold scales. The expenses not yet presented for allowance, will probably make the whole amount less than \$1000 to be paid by each Branch for all charges including Bank paper necessary to commence operations:

As the first instalments of stock have been paid in specie, at considerable expense to the State and individuals, which certainly ought not to be regretted from the solid basis that has been laid for banking transactions, it is respectfully suggested, whether the charter might not be advantageously amended as to the second and third instalments to be paid by the State.

It is also respectfully suggested that the Legislature should authorize the Bank to calculate their discount or interest according to the standard and weights set forth in "Rowlett's tables."

Here this report might probably terminate, but so numerous are the inquiries made of the officers of the Bank as to the course to be pursued, and the policy to be adopted by the Branches, and such erroneous notions are prevalent on this subject, that it may not be improper for the organ of the parent Board to attempt to express their views on these matters.

The management of the institution, which the Legislature chartered last session, has been committed principally to the stockholders, whose interests are such that it does not *well* appear how a majority of them can unite in any measure injurious to the common welfare. The State only appoints such a portion of the officers, that she can, through them, at all times know the true situation of the institution; but the control has been *wisely* committed to persons chosen by the stockholders, that the steady course of individual enterprise may never be interrupted by political changes and revolutions.

Every person may participate in the privileges granted by our charter; those who have capital may at any time purchase stock, much of which will at all times be in market; and those who have not capital, may still exercise an important power in the selection through the Legislature, of the persons who are to guard the equal interests of the State in the Institution. By reference to the charter, it will be seen that proper guards have been placed against too great an accumulation of power. A *bank* has been established and not a *loan office*. The objects to be effected by the former are to supply a convenient currency—to facilitate exchanges—to furnish temporary loans—to aid in carrying away the surplus produce of the country, and to cheapen the prices of imports, by affording facilities and exciting competition. But no authority is given in the charter, to exercise the powers that properly belong to a loan office. It is not allowed to take landed security in the

first instance, it is prohibited from holding land, except for special purposes;—and the Branches are liable to suspension, unless they yield a certain dividend, which can never be made if long loans be allowed; so that it would appear that the Bank was never intended to supply capital to a few favoured persons, like a loan office, but to furnish a currency and supply facilities for trade and exchange. This will appear still more evident, by reference to that proceeding of the Legislature which struck from the bill a clause originally inserted in it that authorized *permanent loans*. That power might well be called dangerous, that in addition to the usual banking privileges, could also influence a large portion of community, by lending capital for long periods on the pledge of their land. The real interests of the Bank are undoubtedly in accordance with the course intended by the Legislature, when the charter was granted; and if any complain that their cases are not provided for, it will appear on examination, that they have indulged expectations that cannot in the nature of things be realized. What they expected from the Bank, no *well managed* institution could ever afford; and it would be better for them to devise some other remedy than to attempt to divert the Bank from the accomplishment of its legitimate objects.

To make loans for short periods and for special purposes, and to require them to be paid punctually, will be found the most profitable to the Bank, and the most useful to the country. This mode of doing business will keep out the paper of the Bank;—will bring in good funds;—will accommodate the greatest number of customers;—will suit the business of those who are taking the productions of the country to a market; and, by encouraging punctuality and regularity, will benefit the whole community.

If long loans are made, only one set of men can be accommodated, nothing will be coming in but the interest; the paper of the Bank cannot be kept out; when the expenses are deducted, a dividend sufficient to keep the Branch from being suspended, cannot be made; the customers who are not asked to pay in *good times* will hardly make an effort in *hard times*: the Board of Directors will cease to assemble and to take any interest when nothing new is to be done; the responsibility of endorsers will be less and less regarded, and it will not require the aid of prophecy to foretell the result. As the Directors are all made personally responsible for the consequences, it is very important that they should commence right at first. If they deal impartially with each other's claims, when loans are asked for, by any of their own Board; if they aim to encourage the exporters, the manufacturers, the employers, and the safe business men of their vicinity, they can scarcely fail to augment vastly the business, enterprise, and prosperity of the State. But if they suffer a community of wants to produce concert of action in granting long loans to themselves or others—if they accept, as principals or endorsers, those who suffer themselves to be sued for just debts—if they cannot appeal to a uniform and reasonable course of action—if they suffer their vaults to be emptied and their files to be burthened with often renewed notes, *theirs* will be no light account to settle with the public.

In the circulation of Bank paper, it has been found by experience, that efforts to send it to a distance are very rarely of any advantage to the Bank. The paper soon returns for redemption, and if large quantities be found in a remote district, out of the usual way of trade, suspicions are excited, the reputation of the Bank is injured, and the field is soon very limited in which the paper will be freely received. But when the business men around a Bank understand that it is prudently managed, when it stands ready to give support instead of asking it, general confidence is created, it extends and enlarges the circle of business in every direction, and it soon expels other currency from what may be deemed its natural field of circulation. Unless a Bank can be thus conducted, its establishment must have been premature, and all further operations should cease.

By order of the Board,

S. MERRILL, *President.*

*To the Hon. the General Assembly
of the State of Indiana:*

The Board of Sinking Fund Commissioners has been duly organized; but as most of the premium advanced on the the loan was appropriated for expenses not yet allowed by the Board, they have nothing of consequence at present to report, which was not already set forth by the Canal Fund Commissioners. If further proceedings be had before the adjournment of the Legislature, they shall be immediately communicated.

Respectfully submitted,

S. MERRILL.

Dec. 6. 1834.

The Speaker laid before the House the following annual report of the Treasurer of State:—

To the Speaker of the House of Representatives:

Herewith are transmitted, to be laid before the House of Representatives—

- 1st. The Treasurer's Report of the general state of the Finances;
- 2d. The Loan Office Report—statement A, presenting the operations of the College Fund—statement B, the Indianapolis Fund, and statement C, the Saline Fund.
- 3d. A list of the borrowers of the Indianapolis Fund; of the College Fund, and of the Saline Fund.
- 4th. The items of the contingent expenses.
- 5th. A bill of the purchase and cost of stationery.

Very respectfully,

Your ob't. servant,

N. B. PALMER.

Treasurer of State.

Treasurer's Office, Dec. 6, 1834.

TREASURY DEPARTMENT,
Indianapolis, Dec. 6, 1834.)

The Treasurer of State in obedience to the directions of the "act concerning the Auditor of public accounts and Treasurer of State," submits the following report of the revenue and expenditure of the State, from the first of December, 1833, to the 30th November, 1834.

There was a balance remaining in the Treasury, at the close of the fiscal year, of		\$ 16,899 29
Receipts during the fiscal year, from revenue of 1832	15 71	
Receipts during the fiscal year, from revenue of 1833	34,482 62	
Receipts during the fiscal year, from revenue of 1834	1,961 06	
	<hr/>	36,459 39
Rents paid by Superintendant State Prison		700 00
From sale of Michigan Road Lands		42,184 19
From sale of Lots, &c. at Indianapolis		6,496 04
From sale of College Lands		1,660 30
From sale of mortgaged Lands		772 94
From sale of Saline Lands		2,442 54
Loans of College Fund, refunded		5,838 25
Loans of Indianapolis Fund, refunded		6,541 90
Loans of Saline Fund, refunded		250 00
Interest of College Funds		2,197 37
Interest of Indianapolis Funds		559 90
Interest of Saline Funds		219 75
Estates without Heirs		118 28
Rents of Salt Lick Reserves		356 23

\$ 123,696 37

The Expenditures during the same period, have been:

Pay and mileage of Members of the Legislature, including Clerks, Door-keepers, and Stationary	16,949 52
Printing for last, and Stationary for present Session	5,835 92
Specific appropriations	2,168 08
Contingent expenses	939 35
Premium for wolf scalps	751 50
Pay of Probate Judges	2,115 00
Pay of Executive Officers	2,750 00
Pay of Judges	7,615 59
Pay of Prosecutors	1,114 44
Pay of Adjutant and Quarter-master Gen'ls.	125 00

40,364 40

Payments on account of the State House	16,433 83
Payments on account of State Prison	2,856 62
Payments on account of State Library	100 00
Payments on account of Salt Springs	61 42
Payments on account of Presidential Election	6 00
Payments on account of Indiana College	1,706 88
Payments on account of Seat of Government	342 23
Loans of College Funds	8,772 25
Loans of Indianapolis Funds	5,793 66
Loans of Saline Funds	2,650 00
Michigan Road Scrip redeemed	42,060 32
Canal Fund expended	49 00
Conscientious Fines distributed	12 00
Saline Fund expended	39 75
Michigan Road	123 87
Balance in the Treasury December 1st, 1834	2,324 14
	<hr/>
	<u>\$ 123,696 37</u>

The available means of the Treasury for the ensuing year, may be estimated as follows:

Cash on hand 1st December, 1834.	2,324 14
The revenue of 1834, to be paid subsequently to 30th November, 1834	42,500 00
Amount to be reimbursed from Indianapolis Fund	5,161 30
Rent from Superintendent of State Prison	700 00
	<hr/>
	<u>\$ 50,685 44</u>

The Expenses of the year may be estimated as follows:

Salaries of Judges and Prosecutors	9,000 00
Salaries of Executive Officers	2,600 00
Printing, Stationary, distributing Laws, &c.	5,500 00
Legislature	17,000 00
Contingent and specific appropriations	2,500 00
Probate Judges	2,500 00
Wolf scalps	800 00
State Prison	800 00
State Library	100 00
Adjutant and Quarter-master Generals	150 00

The Treasury is also liable to the following
existing claims:

Outstanding Warrants	128 75
Salaries and other claims not Audited	1,900 00
College Fund in Treasury	1,667 64

Saline Fund in the Treasury	222 54	
Militia Fines to be distributed	519 40	
		\$45,388 33
Leaving a balance in Treasury, Dec. 1, 1835, of		<u>\$5,297 11</u>

The sparseness of payments on account of sale of lots at Indianapolis, caused by the "joint resolution of the General Assembly for the benefit of State debtors," has made it necessary to advance from the treasury *proper*, to the amount of five thousand one hundred sixty-one dollars and thirty cents, to meet the payments to the undertakers of the State House, founded upon the estimates furnished by them, to the Commissioners.

This amount advanced agreeably to the provisions of the "act supplemental to an act to provide for the erection of a State House," passed Feb. 2, 1833, may be expected to be reimbursed from the Indianapolis Fund, so soon as the period for which the debts were suspended, shall have expired, and is, with that view, embraced in the estimate of the available means of the treasury for the coming year.

It will be seen that the disbursements on account of the State Prison, exceed the estimates of the last report of the Treasury, rising two thousand dollars.

This discrepancy has arisen from the improvements authorized by law under the commissioner appointed for that purpose. The latitude and discretion given in the extent of the improvements authorized to be made, together with the absence of any estimates or other data in this office, by which the amount of expenditure could be anticipated, did not, at that period, nor can at this time afford any criterion upon which the Legislature may be apprised of the probable amount which may be required of the Treasury for that service.

The practical operation of the law, which appropriates the delinquent land tax for the purposes of a common school fund, has shown that the act is greatly defective. In 1832, not more than about one third of the counties made returns, and in 1833 a still greater neglect. The returns which have been made, are many of them so very imperfect, as to fail entirely to meet the objects of the law. Enough has been ascertained, however, to prove that the annual accumulation of this fund, would in a few years, under proper regulation and management, produce a fund cheering to the friends of education, and creditable to the enlightened legislation which prompted the enactment of the law.

All which is respectfully submitted.

N. B. PALMER,

Treasurer of State.

[No. 2.]

STATEMENT (A).....COLLEGE FUND.

Report of the operations of the College Fund, from the 1st of December, 1833, to the 30th Nov. 1834.

RECEIPTS.

Cash on hand at last report		\$2,209 15
From James Borland, Commissioner of Monroe	396 73	
From Jas. Smith, Commissioner reserved Township in Gibson	495 00	
From William Alexander, Commissioner reserved Township in Monroe	768 57	
	—————	1,660 30
From Loans Refunded		5,838 25
From sale of Mortgaged Lands of J. Glancy	125 00	
From sale of Mortgaged Lands of R. Stafford	116 70	
	—————	241 70
From Interest on Loans		2,197 37
		—————
		<u>\$12,146 77</u>

CONTRA.

Amount of Loans as per list accompanying	\$8,772 25
Salaries of President and other Officers of College	1,600 00
Superintendent's salary and allowance	90 01
Recorder of Monroe	16 87
Cash on hand	1,667 64
	—————
	<u>\$12,146 77</u>

STATEMENT (B).....INDIANAPOLIS FUND.

As the period for the completion of the State House, and the consequent payments to the undertakers of the amount of their contract is drawing near, I have thought it advisable to submit the following detailed report, of the condition of the Indianapolis Fund, it being set apart, especially to the erection of that edifice. This seems the more necessary, that the Legislature may act advisedly in providing ways and means, if it shall be ascertained that that fund will be inadequate to the completion of the building.

Report in relation to the Indianapolis Fund, from the commencement of its operation, up to the 30th Nov. 1834.

Amount paid in, to the Treasurer, by the Agent for Indianapolis, in the years 1821-22	\$8,726 29
Do. do. do. in the year 1824,	5,059 75
Do. do. do. in the year 1825,	4,890 82

Paid in 1822, but not credited till 1825,	1,044 11	
Paid into the Treasury in the year 1826,	1,850 29	
Paid into the Treasury in the year 1827,	3,345 49	
Paid into the Treasury in the year 1828,	4,104 85	
Paid into the Treasury in the year 1829,	3,053 81	
Paid into the Treasury in the year 1830,	3,839 95	
Paid into the Treasury in the year 1831,	7,799 39	
Paid into the Treasury in the year 1832,	8,136 52	
Paid into the Treasury in the year 1833,	6,226 02	
Paid into the Treasury in the year 1834,	6,496 04	
To amount of interest paid on Loans of this fund, in the year 1833,	720 17	
To amount of interest paid on Loans of this fund, in the year 1834,	559 90	
		<u>1,279 07</u>
Making total amount of Indianapolis Fund paid into the Treasury, up to 30th Nov. 1834.		<u><u>\$65,852 40</u></u>
The disbursements from this fund have been payments under head of Seat of Government	27,107 38	
Payments on account of State House	28,708 56	
		<u>55,815 94</u>
Leaving an unexpended balance of Indianapolis Fund, of		\$10,036 46
There is now outstanding, of the Loans made under the act of 2d Feb. 1833	15,197 76	
From which deduct the unexpended balance of the fund	10,036 46	
		<u></u>
Showing an amount overdrawn from the Treasury by this fund, of	\$5,161 30	

STATEMENT (c).....SALINE FUNDS.

Report of the operations of this Fund, from the 1st Dec. 1833, to the 30th Nov. 1834.

RECEIPTS.

From H. Young Com'r of Saline Lands in Washington co.	\$2,442 54
Interest on Loans	219 75
Loans refunded	250 00
	<u>\$2,912 29</u>

CONTRA.

Amount of Loans as per list accompanying	2,650 00
--	----------

Superintendent's per centage
Cash on hand

39 75
222 54

\$2912 29

[No. 2.]

List of Borrowers of the State House Fund.

Dec. 5, 1833,	James Johnson	-	-	-	-	-	\$ 100 00
	Lavina Stephens	-	-	-	-	-	60 00
	James Casler	-	-	-	-	-	140 00
6, "	Jacob Turner	-	-	-	-	-	250 00
9, "	Oliver Shurtliff	-	-	-	-	-	90 00
11, "	Joseph Lafavour	-	-	-	-	-	62 50
12, "	John Sheets	-	-	-	-	-	2,000 00
13, "	Joseph Wingate	-	-	-	-	-	200 00
13, "	Robert Hanna	-	-	-	-	-	600 00
16, "	Sidney Williams	-	-	-	-	-	420 00
Jan. 8, "	John Miller	-	-	-	-	-	100 00
Feb. 3, "	David Fisher	-	-	-	-	-	400 00
May 10, "	Resin Davis	-	-	-	-	-	100 00
19, "	Samuel Hewstin	-	-	-	-	-	65 00
29, "	Caleb Scudder	-	-	-	-	-	175 00
29, "	S. H. Patterson	-	-	-	-	-	200 00
June 21, "	J. E. McClure	-	-	-	-	-	150 00
21, "	N. Noble	-	-	-	-	-	200 00
28, "	William Reagan	-	-	-	-	-	200 00
Oct. 23, "	J. Shaw, on credit sale	-	-	-	-	-	281 16
							<u>\$ 5,793 66</u>

List of Borrowers of College Fund.

	Noble Banks	-	-	-	-	-	50 00
	James Hill	-	-	-	-	-	85 00
	Nicholas McCarty	-	-	-	-	-	500 00
	George Taffe	-	-	-	-	-	75 00
Dec. 17, 1833	T. Hogland	-	-	-	-	-	130 00
24, "	Logan Kendall	-	-	-	-	-	100 00
31, "	Levi Laenger	-	-	-	-	-	100 00
	George Taffe	-	-	-	-	-	166 00
Jan. 9, 1834	Alexander Dickerson	-	-	-	-	-	110 00
Feb. 3, "	Loyal Fairman	-	-	-	-	-	125 00
8, "	Lewis Mastin	-	-	-	-	-	137 50
13, "	T. M. Smith	-	-	-	-	-	275 00
13, "	Brown & Drake	-	-	-	-	-	500 00
14, "	W. E. Talbott	-	-	-	-	-	250 00
14, "	John Standford	-	-	-	-	-	250 00
21, "	Hugh Smith	-	-	-	-	-	150 00

Feb. 21, 1834	W. McGee	-	-	-	-	160	00
	William Sanders	-	-	-	-	500	00
March 5, "	John W. Reding	-	-	-	-	500	00
15, "	T. V. Denny	-	-	-	-	50	00
	C. McCarty	-	-	-	-	100	00
	Francis Vanvoast	-	-	-	-	325	00
April 8, "	Thomas Baldwin	-	-	-	-	500	00
8, "	Sidney Williams	-	-	-	-	400	00
May 10, "	Wm. Daniel and J. Devin	-	-	-	-	500	00
10, "	Solomon Washer	-	-	-	-	500	00
10, "	Elisha Mayhue	-	-	-	-	500	00
16, "	John McFall	-	-	-	-	130	00
	George Henton	-	-	-	-	125	00
	Harry Pierson	-	-	-	-	500	00
	J. Fisher	-	-	-	-	200	00
	Joseph Herrin	-	-	-	-	325	00
Oct.	John Kitley	-	-	-	-	50	00
	Wm McIlvain	-	-	-	-	260	00
	Zachariah Lamaster	-	-	-	-	25	00
	James B. Ray	-	-	-	-	100	00
	Abner Smith.	-	-	-	-	18	75
							<u>\$ 8,772 25</u>

List of Borrowers of Saline Funds.

May 29, 1834,	Samuel Fullen	-	-	-	-	\$300	00
June 2, "	Thomas McClintock	-	-	-	-	500	00
3, "	Douglass Maguire	-	-	-	-	250	00
3, "	Nathaniel Bolton	-	-	-	-	200	00
5, "	Sterling Shackelford	-	-	-	-	150	00
9, "	Joseph Kikendal	-	-	-	-	150	00
24, "	Hervey Bates	-	-	-	-	500	00
25, "	George Smith	-	-	-	-	400	00
30, "	Bob McHatton	-	-	-	-	200	00
							<u>\$2,650 00</u>

[No. 4.]

Contingent Expenses from 1st Dec. 1833, to 30th Nov. 1834.

Dec. 9, 1833—	To N. Miller for transportation of arms	\$20	00
	To John Cain for stationary and binding	22	25
	To T. H. Yeatman, sealing-wax, &c.	50	
Jan. 20, 1834—	To D. J. Caswell, fees in Saline reserve suit	50	00
	To H. P. Coburn, for costs adjudged against treasurer in the supreme court	25	04
	To John Cain for postage	53	38

Jan. 20, 1834—	To Hubbard & Edmunds for stationary	26 83
	To John Cain, for binding	22 25
May	—To Caswell & Lanier, counsel in Saline suit Dearborn county	25 00
	To D. D. Pratt, for copying on Gov'rs. order	3 00
	To John Cain, for postage	134 94
	To H. F. Feeney, transportation of arms	26 00
	To O. Morse, for candles on Governor's order	4 25
	To John Smither, for repairing locks	1 25
	To John Ritchey, for transportation	3 00
	To Samuel Merrill, for moneys paid, and services rendered, on Governor's order	32 26
	To A. W. Morris, for stationary	1 50
	To N. Cox, for boxes to pack laws	34 00
July	—To John Cain, for postage	73 71
	To Hubbard and Edmands, for stationary	16 63
	To William Quarles, for examining Insurance Companies	30 00
October	—To C. W. Gazzam. for storage and transportation of arms	37 50
	To Douglass Maguire, services as private secretary to Governor	50 00
	To Andrew Hoover, transportation of arms	20 00
	Do. do. do. do.	75 00
	Do. do. do. do.	30 00
	To John Cain, for postage	65 14
	To John Cain, for blank books for Auditor, Secretary, and Treasurer's offices	42 12
	To John Edgar, for labor and materials for Governor's house	13 75
		<hr/>
		\$939 35
		<hr/> <hr/>

[No. 5.]

Amount paid by the Treasurer for Stationary, carriage, &c. from
Dec. 1, 1833, to Nov. 30, 1834.

March 26, bought of John Sheets, fifty-seven reams Royal paper, No. 3, at \$4	\$228 00
March 26, bought thirteen reams Envelope at \$5	65 00
Five boxes and cooperage	5 00
April 9, bought sixty reams Royal, No. 3, at \$4	240 00
bought four boxes	4 00
May 27, bought eighty reams Royal, No. 3, at \$4	320 00
bought sixteen reams Royal, No. 5, at \$3.25	52 00
bought six boxes	6 00
Paid Gideon Moncrief, for transportation	41 40
Nov. bought fifty-two reams Royal, No. 3, at \$4	208 00

bought fifty-two reams Royal, No. 5, at \$3.25	169 00
bought six boxes	6 00
Paid C. Beach, for sundry articles of stationary	5 00
July 14, bought of Josiah Drake, four pounds wafers	4 25
Thirty boxes wafers	7 50
Four hundred office wafers	2 50
One ream Post paper	4 00
One ream fine Cap	5 00
Four reams Ivory-white Post	21 00
Four hundred quills	10 00
Six hundred quills	10 80
One thousand quills	10 00
Two thousand quills	12 50
Five hundred quills	6 50
Eight dozen of sand	8 00
Five dozen ink	10 00
Two Glass ink-stands	1 00
Expenses of purchase and carriage	20 00
Nov. 28, bought of Leeds & Jones,	
Sixty reams Royal, No. 3, at \$4	240 00
Seventy-five reams Royal, No. 5, at \$3.25	243 75
Forty reams Royal, No. 4, at \$3.50	140 00
Forty reams Medium, No. 3, at \$3.75	150 00
Fifty reams Post, No. 1, at \$3.75	187 50
Ten reams Cap, No. 1, at \$3.25	32 50
Forty reams Medium, No. 4, at \$3.25	130 00
Carriage on 5,815 pounds	72 68

Which was read and referred to the Committee of Ways & Means.

Ordered, That 500 copies thereof be printed for the use of the members of this House.

The Speaker laid before the House, the report of the Directors of the Lawrenceburgh and Indianapolis Rail road Company, setting forth the condition and progress of said road;

Which was read, when,

Mr. Willet moved the same be referred to the Committee on Roads.

Mr. Evans moved that it be referred to the Committee on Canals and Internal Improvements, instead of the Committee on Roads;

Which motion passed in the affirmative.

Mr. Smith of R., moved that 2000 copies of said report be printed for the use of the members of the House.

Mr. Evans proposed 1000 copies.

The question was put on the motion of Mr. Smith of R., to print two thousand copies,

And decided in the negative.

The question was then put on the motion of Mr. Evans to print one thousand copies;

And was carried in the affirmative.

On motion of Mr. Vawter, (the previous orders of the day having been postponed,) the House resolved itself into committee of the whole on the message of His Excellency the Governor, and after some time spent therein, the Speaker resumed the chair, and Mr. Angle reported that the committee had had the same under consideration and had come to sundry resolutions thereon, in which they asked the concurrence of the House, to wit:

1. *Resolved*, That so much of the Governor's message as refers to the revenue of the State, be referred to the Committee of Ways and Means.

2. *Resolved*, That so much of said message as relates to Canals and Internal Improvements, and so much thereof as relates to the improvement of the Wabash river, be referred to the Committee on Canals and Internal improvements.

3. *Resolved*, That so much of said message as relates to the 3 per cent fund, and so much thereof as relates to the Michigan road, be referred to the Committee on Roads.

4. *Resolved*, That so much of said message as relates to the State boundary, be referred to a select committee of five.

5. *Resolved*, That so much thereof as relates to the apportionment of representation be referred to a select committee of one from each judicial circuit.

6. *Resolved*, That so much thereof as relates to the militia, be referred to the Committee on Military Affairs.

7. *Resolved*, That so much thereof as relates to public buildings, be referred to the Committee on Public Buildings.

8. *Resolved*, That so much of said message as relates to the State Prison, be referred to the Committee on the State Prison.

9. *Resolved*, That so much of said message as relates to Education, be referred to the Committee on Education.

10. *Resolved*, That so much of said message as relates to the Indians; so much thereof as relates to Probate Courts, and so much thereof as relates to Insurance Companies, be referred to the committee on the Judiciary.

11. *Resolved*, That so much of said message as relates to Banks, be referred to the Committee on the State Bank.

12. *Resolved*, That so much of said message as relates to the Tippecanoe Battle Ground, be referred to a select committee of five.

13. *Resolved*, That so much of said message as relates to the establishment of a Board of Public Works, be referred to a select committee of five;

Which resolutions were read and concurred in by the House generally.

Ordered, That the committee of the whole be discharged from the further consideration of said message.

On motion of Mr. Willet,

Ordered, That so much of said message as is not referred in the above resolutions, do lie on the table.

Mr. Liston presented a petition of Charles Ives and others, citizens of the counties of Laporte and St. Joseph, praying the location of a

state road from where the United States road leading from Detroit to Chicago, crosses the eastern boundary of the State, thence on the line of said Chicago road to the Little Kankakee river, thence to the town of Laporte, thence in the direction of Chicago to the State line;

Which was read and referred to the Committee on Roads.

Mr. Angle presented a petition of Daniel Mace and Wilson Malone, praying relief;

Which was read and referred to the Committee on Claims.

Mr. Carter of O. presented a petition of S. Dolton and others, praying a change in the law so as to authorize the sale of the French Lick Reserve lands, in forty acre lots;

Which was read and referred to the Committee on Education.

Mr. Wright presented a petition of John McIntire and others, praying a state road from Petersburg to Archibald Campbell's ferry on White river;

Which was read and referred to a select committee of Messrs. Wright, Shaw, Hargrove, and Latshaw.

On motion of Mr. Smith of F., the petition presented by him and laid on the table on the 3d inst., on the subject of a state road from Connersville to St. Omer, was taken up, and referred to a select committee of Messrs. Smith of F., Mendenhall, Conwell, and Bryan.

Mr. Liston, after having obtained leave, presented a bill (No. 16,) to exempt certain lands from taxation;

Which was twice read (the rules of the House having been dispensed with,) when

Mr. Willet moved that the same be committed to the Committee of Ways and Means.

Mr. Kelso moved that it be committed to a select committee;

Which motion did not prevail.

The question then recurred on the motion of Mr. Willet,

And passed in the affirmative.

Mr. Stafford presented a petition of John E. Clark and others, citizens of Morgan county, praying the passage of a law, authorizing and requiring the Trustees of the Seminary Fund of said county to loan the moneys in his hands to the board doing county business;

Which was read and referred to the Committee on Education.

Mr. Phelps presented a petition of J. L. Smith and others, citizens of Harrison and Crawford counties, praying a state road from Levenworth to Corydon;

Which was read and referred to a select committee of Messrs. Phelps, Wilson of H., Leslie, Howell, and Dunning.

Mr. Lowe presented a written instrument from a number of the citizens of Parke county containing instructions to the Senator and Representatives of said county, to use their exertions to change the law regulating the jurisdiction and duties of Justices of the Peace, so as to limit the collection of debts to the township where the debtor resides;

Which was read and laid on the table.

Mr. Brackenridge presented a petition of R. C. Matthewson and others, citizens of Warrick county, praying that the road from Boon-

ville by Miller's mill to New Harmony, may be declared a state road.

Which was read and referred to the Committee on roads.

Mr. Phelps presented the petition of John McNaghton and others, praying to have that part of the state road leading from Levenworth to Indianapolis which lies between Levenworth and Paoli, opened four rods wide;

Which was read and referred to the committee on roads.

Mr. Green presented a petition of Richard Barter and others, citizens of Posey county, praying a change in the law regulating the mode of doing county business so far as relates to said county of Posey;

Which was read and referred to a select committee of Messrs. Green, Brackenridge, Wright and Hargrove.

Mr. Puckett presented a petition of Francis and Elizabeth Adcock, praying to have their names changed to that of Francis and Elizabeth Emry;

Which was read and referred to a select committee of Messrs. Puckett, Kilgore, and Rockhill,

And the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

Mr. Thompson presented a petition of John Vestal and others, praying that the funds heretofore appropriated for the purpose of building a bridge over Salt creek, where the state road leading from Bedford to Bloomington crosses the same, be placed in the hands of the Board of Commissioners of Lawrence county;

Which was read and referred to a select committee of Messrs. Thompson, Parks, and Dunning.

Mr. Strain presented a petition of Levi Wright and others, citizens of Washington county, praying a reduction in the fees of Recorders;

Which was read, when,

On motion of Mr. Strain, the same was referred to the Judiciary Committee.

On motion of Mr. Wallace, said committee was instructed to report a bill, the provisions of which to be confined to the county of Washington.

On motion of Mr. Vandever, said instructions were extended so as to include the county of Orange.

Mr. Green presented a petition of Presley Pritchett and others, citizens of Posey county, praying a change in the application of two hundred dollars appropriated for the purpose of building a bridge in said county;

Which was read and referred to a select committee of Messrs. Green, Brackenridge, Howell, and Phelps.

Mr. Green presented a petition of Mr. Augustus Twigg and others, citizens of Posey county, praying a state road from Evansville to New Harmony;

Which was read and referred to the same select committee last above named.

Mr. Vawter presented a memorial of John T. Johnson and others, citizens of Jennings county, praying a reform in the economy of the Indiana College;

Which was read and laid on the table.

Mr. Crume made the following report;

Which was read and concurred in, and the committee discharged:

The committee of ways and means, to which was referred a resolution of this House instructing them to enquire into the expediency of so amending the law prohibiting the sale of foreign merchandize or groceries, as to exempt from the provisions of said law, and the penalties thereto annexed, any farmer who may receive such article in exchange for any thing by him produced and conveyed to market, have had that matter under consideration, and after mature deliberation thereon, a majority of said committee have instructed me to report that in their opinion it would be inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration of that subject.

A message from the Senate by Mr. Morris their secretary:

Mr. SPEAKER—

I am instructed by the Senate to inform the House of Representatives that they have appointed on their part Messrs. Clark, Battell, Feeny, Hanna, Griffith, Payne, Collett, and Hillis a committee on public buildings.

Messrs. Payne, Whitcomb, Thompson, Collett, Hamilton, and Embree a committee on the state library.

Messrs. Embree and Griffith a committee on enrolled bills.

The Senate has passed without amendment an engrossed bill of the House entitled,

An act to authorize the St. Joseph circuit court to hold a special session.

Mr. Ray made the following report;

Which was read and concurred in.

The judiciary committee, to which was referred the petition of Barnum Clark of the county of Fountain, praying to be divorced from his wife Lucy, have had that subject under consideration, and have directed me to report that it is inexpedient to grant the prayer of the petitioner by legislative enactment.

Mr. Thompson from the judiciary committee made the following report:

The judiciary committee, to whom was referred a resolution directing them to "enquire into the expediency of authorizing the sheriffs of the several counties in this state to serve witnesses and jurors by leaving a certified copy of the process at the residence of such witness or juror, have had the same under consideration, and have directed me to report that it is inexpedient to legislate upon that subject at this time, and ask to be discharged from the further consideration of it;

Which was read and concurred in by the House.

Mr. Ray made the following report:

The judiciary committee, to which was referred a resolution of this House, directing them to inquire, first, "whether a due regard for the liberty of the citizens, and a just and impartial administration of the laws of the state of Indiana, does not imperiously require that fees be allowed the judicial and ministerial officers of this state for their services as such officers in all criminal cases, when the state fails in her prosecution, equal to those now allowed by law when she succeeds; and second, whether provisions ought not to be made for the fees of witnesses attending in all criminal cases in the several Circuit Courts, and before justices of the peace, without regard to the result thereof; and third, whether voluntary prosecuting witnesses should not be made amenable to the officers of court and witnesses for all costs, in case of the failure of the State, unless the court should determine that there was probable cause of prosecution," have had that subject under consideration, and have directed me to report that it is inexpedient to legislate upon that subject;

Which was read and concurred in.

Mr. Thompson, from the Judiciary Committee, made the following report:

The Judiciary Committee, to whom was referred a resolution directing them to inquire into the expediency of repealing the second section of an act entitled "an act to amend an act regulating the practice in suits at law," approved Feb. 3d, 1834, have had the same under consideration, and have directed me to report that legislation upon that subject, at this time, is inexpedient, and ask to be discharged from the further consideration of it;

Which was read and concurred in, and the committee discharged accordingly.

Mr. Bigger made the following report:

MR. SPEAKER—

The Committee on Education, to which was referred a resolution instructing said committee to inquire into the expediency of authorizing the several boards doing county business, in the several counties, to lay off as many seminary districts, in the several counties, as they may think proper for the promotion and encouragement of education, and further to provide for a more equitable distribution of the seminary fund, have had the same under consideration, and have directed me to report that they deem it inexpedient to legislate on that subject, at this time;

Which was read, when,

On motion of Mr. Vandever, the same was re-committed to a select committee.

Ordered, That Messrs. Vandever, Carter of O., Parks, and Lockhart be that committee.

Mr. Carter of O. made the following report:

MR. SPEAKER—

The Committee on Roads, to whom was referred the petition of sundry citizens of Union county, praying for the passage of a law autho-

rizing the boards doing county business in their respective counties, to cause to be located, on petition, a county road along the section lines in any or all of the several counties, have had the same under consideration, and have directed me to report that it is inexpedient to legislate on that subject, at this time, and ask to be discharged from the further consideration thereof;

Which was read and concurred in.

Mr. Carter of O., from the Committee on Roads, to which was referred a resolution on that subject, reported a bill (17) for opening and repairing public roads and highways in the several counties in this state;

Which was read the first time and passed to a second reading.

Mr. Liston, from the Committee on Roads, to which was referred the petition of Hiram Dayton and others, reported a bill (18) to locate a state road from South Bend to Huntington on the Wabash;

Which was read the first time and passed to a second reading.

Mr. Liston, from the same committee, to which was referred the petition of Jacob Colman and others, reported a bill (19) to locate a state road from the town of Laporte to the western boundary of the state of Indiana;

Which was read the first time and passed to a second reading.

Mr. Lockhart, from the select committee, to which was referred a petition on that subject, reported a bill (No. 20) to locate a state road from Levenworth to Salem, in Washington county;

Which was read the first time and passed to a second reading.

Mr. Dunning, from the select committee, to which was referred the petition of Nathan Padgett, reported a bill for the relief of the petitioner;

Which was read the first and second times (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

Mr. Chapman made the following report:

The select committee, to whom was referred the petition of James Hostetter and others, praying the formation of a new county, out of certain territory therein designated, have had the same under consideration, and directed me to make the following report, accompanied by a bill for the formation of a county. The committee would here remark that on an examination of the map of the unorganized territory, out of which this county is to be carved, they discover some difficulty might ultimately arise by granting the bounds as prayed for in the petition.

The county prayed for lies immediately south of Lagrange county. The extent of territory between Lagrange and Huntington is thirty-six miles, and from the west side of the county prayed for to the eastern line of the state is forty-eight miles. The petition calls for twenty-two miles north and south, and eighteen miles east and west, leaving a narrow strip of territory on the south of fourteen miles, and on the east thirty miles. The committee are of the opinion that some reference ought to be had to the future prospect of new counties, and that the territory ought not to be infringed on while there remains an extent of territory out of which a certain number of counties of respectable dimensions could be laid off, and to obtain that number of counties, in a

proper shape, there is but one kind of a division can be made, and would require a reversal of the position of the county prayed for. The committee entertains no doubt of the propriety of granting a new county, and there being no voice from the adjoining territory, they do not feel authorized to deviate from the prayer of the petitioners without some guide or direction for their government or rule of action. Seven counties nearly square can be formed out of the territory lying east of the second principal meridian, making two respectable counties between Cass and St. Joseph, and five east of them; and some of them will in a short time, and at irregular intervals be calling for their bounds. Therefore the committee would suggest the propriety of the House giving some instructions with regard to said territory; all of which is most respectfully submitted to the consideration of the House."

The bill (No. 22) accompanying said report, entitled a bill for the formation of the county of ———, and for other purposes, was read the first time and passed to a second reading.

The House resumed the consideration of the resolution moved by Mr. Dunning, and depending at the adjournment on Saturday last, providing for the appointment of an assessor in each township; when

Mr. Smith of F. withdrew his motion, then depending, to lay said resolution and the amendment proposed thereto by Mr. Carter of O. on the table.

A motion was made by Mr. Kelso to amend said proposed amendment by adding thereto the following:

"And such other compensation as the boards doing county business may think proper to allow said assessor;"

Which motion passed in the affirmative.

Mr. Willet moved to postpone indefinitely the further consideration of said resolution and proposed amendment, and the ayes and nays being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bell, Bennett, Bigger, Bower, Bradbury, Bryan, Carr, Carter of C., Crume, Culbertson, Curry, Curtis, Davis, Hannaman, Harris, Henkle, Howard, Johnston of F., Kelso, Leslie, Liston, Marshall, McCalley, McDougle, Mendenhall, Newman, Ray, Shank, Smith of F., Stafford, Stanford, Thompson, Torbet, Vawter, Walker, Wallace, Willet, and Woodruff—40.

And those who voted in the negative are,

Messrs. Brackenridge, Brett, Carter of O., Chapman, Conwell, Cook, Dunning, Evans, Gaddes, Green, Hardesty, Hargrove, Hoagland, Howell, Johnson of M., Kilgore, Latshaw, Lockhart, Lowe, McIntire, Moore, Nave, Parks, Phelps, Puckett, Rockhill, Schooling, Shaw, Smith of R., Storm, Strain, Vandever, Wilson of H., Wilson of P., Wilson of V., Wright, and Gregory, Speaker—37.

So the further consideration of said resolution and proposed amendment was indefinitely postponed.

Mr. Smith of F. moved to take up the resolution moved by Mr. Wallace and laid on the table on the 2d inst., limiting the time for the introduction of resolutions;

Which motion did not prevail.

On motion of Mr. Evans,

Resolved, That the Judiciary Committee be instructed to report a bill providing for a citation, to be issued by the clerks of Circuit Courts in all cases of appeal from Justices' Courts to the appellee, under the several rules as by the practice act the issuing and service of writs of *capias ad respondendum* are governed.

On motion of Mr. Kelso,

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of amending the probate law so as to cause administration to be taken on all decedent estates where the next of kin neglect or refuse to administer for the term of ninety days after such decease, and where there are no creditors to said estate: said administration to extend at least to a collection of the effects of such decedent by such administrator, the same to be appraised and delivered to the widow and heirs of such decedent, taking a bond and security for the application of said effects to their legitimate objects; with leave to report by bill or otherwise.

Mr. Conwell moved the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the act entitled "an act regulating distress for rent," as to enable the tenant to obtain the stay of execution contemplated, where the debt due is more than \$100, by allowing the Justice of the Peace, before whom the same may be brought, to divide the claim and take confession for the whole claim in separate judgments; and also to exempt such property from distress as is now exempt from execution; with leave to report by bill or otherwise.

On motion of Mr. Bigger,

The resolution was amended by annexing the following clause:

"And also to provide for allowing distress for rent, where rent is payable in any thing else than money."

Said resolution as amended was then agreed to.

Mr. Shaw moved the following resolution:

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of amending an act, approved Feb. 1, 1834, entitled "an act to amend an act entitled an act to subject real and personal estate to execution," so that any execution debtor who has a family shall have ten sheep and the wool thereof, and also an additional bed and bedding exempted from execution, in addition to property to the amount of fifty dollars, now exempted; with leave to report by bill or otherwise.

Mr. Smith of F. moved to amend said resolution by inserting therein this clause:

"And that said committee enquire into the expediency of repealing the second section of said act;"

Which motion did not prevail;

And on the question to adopt said resolution,
It passed in the affirmative.

On motion of Mr. Bennet,

Resolved, That so much of the Governor's message as relates to the borrowing of \$200,000 for the improvement of roads, be referred to a select committee of ten.

Mr. Davis, after having obtained leave, presented a memorial and joint resolution of the Legislature of the State of Indiana (No. 23) relative to the propriety of declaring Lafayette on the Wabash river a port of entry;

Which was twice read (the rules of the House having first been dispensed with) and committed to a committee of the whole House for to-morrow.

On motion of Mr. Ray,

The resolution moved by Mr. Mendenhall and laid on the table on the 6th inst., on the subject of a loan for the improvement of the roads, was taken up.

The question recurring on the depending amendment, moved there-to by Mr. Smith of R., to wit: to include the two districts hereafter to be organized, and to enlarge the committee to *two* members from each district,

It was thereupon put,

And decided in the negative.

On motion of Mr. Kelso,

Said resolution was amended by inserting in the latter clause there-of the words "at least" before the words "one good road."

Mr. Moore moved further to amend the resolution by striking out the words "one thousand" before the words "legal voters," and insert-ing in lieu thereof "seven hundred."

A division of the question being called for by Mr. Vawter,

The first branch thereof was thereupon put, to wit: on striking out;
And passed in the affirmative; and

On motion of Mr. Vawter,

The blank was so filled as to apply to each organized county, and the residue of the resolution so amended as to harmonize therewith.

Mr. Willet moved to make the reference to the committee on canals and internal improvements instead of a select committee.

Mr. Smith of R. moved to postpone indefinitely the resolution and proposed amendment.

Pending that question, it was

On motion of Mr. Vandever,

Ordered, That said resolution and motions in relation thereto, do lie on the table.

On motion of Mr. Bryan,

Resolved, That the Judiciary Committee be instructed to inquire in-to the expediency of so amending the 15th section of "an act to organ-ize Probate Courts, and defining the powers and duties of executors, administrators, and guardians," approved Feb. 10, 1831, that the publi-cation required in said section to be made in a newspaper, may be

made by written advertisement, set up within such counties as have no weekly newspaper printed in them; with leave to report by bill or otherwise.

Mr. Carter of O. moved the following resolution (accompanied by the presentation of the documents therein named:)

Resolved, That the committee on claims be instructed to inquire into the expediency of making an allowance to Andrew Wilson, for services done and expenses incurred by him during the year 1834, as commissioner for the sale of the Saline lands in Orange county, and that the accompanying documents be referred to said committee; with leave to report by resolution or otherwise;

Which was read and adopted.

Mr. Moore, after having obtained leave, presented a bill (No. 24) to legalize the proceedings of the County Board of Commissioners of Owen county;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

And then the House adjourned until to-morrow morning at 9 o'clock.

TUESDAY MORNING, DEC. 9, 1834.

The House met pursuant to adjournment.

On motion of Mr. Leslie,

Messrs. Smith of F. and Marshall, were added to the select committee heretofore appointed on a resolution requiring said committee to inquire what amendments are necessary to the act entitled "an act for opening and repairing public roads and highways," approved Feb. 10, 1831, &c.

On motion of Mr. Carter of O.,

Mr. Vandever was added to the committee on Claims.

On motion of Mr. Vandever,

Mr. Brett was added to the committee on Education.

The Speaker laid before the House a letter from Ithiel Town, requesting their acceptance of a perspective view, and the principal floor of the capitol, now erecting for the State, presented by said Town.

The Speaker appointed the following select committees, in pursuance of resolutions reported by the committee of the whole House, to which the Governor's message was committed, namely:

On resolution No. 4, Messrs. Bigger, Evans, Marshall, Thompson, and Green.

Resolution No. 5, Messrs. Willet, Angle, Lockhart, Smith of R., Wright, Hannaman, Dunning, and Liston.

Resolution No. 12, Messrs. Mendenhall, Henkle, Carter of C. Hardesty, and Storm.

Resolution No. 13, Messrs. Vawter, Parks, Curtis, Torbet, and Schooling.

The Speaker appointed the following select committee in pursuance of the resolution moved by Mr. Bennett, on yesterday, referring so much of the Governor's message, as proposes a loan of \$200,000 for the improvement of roads, to wit: Messrs. Bennett, Bell, Conwell, Wallace, Armstrong, Brackenridge, Shaw, Vandever, Lowe, and Davis.

The Speaker laid before the House the following annual report of the Auditor of public accounts:

AUDITOR'S OFFICE, Dec. 6, 1834.

HON. DAVID WALLACE,

President of the Senate:

Sir—Please lay the enclosed before the Senate. No. 1, contains a statement of receipts and expenditures on account of the State of Indiana, for 1834. No. 2, a table showing the number of acres of first, second, and third rate Land, the number of polls, and amount of assessments in each county, for 1834.

Respectfully yours,

M. MORRIS, *A. P. A.*

Auditor's Office, Dec. 6, 1834.

In obedience to the act entitled "an act concerning the Auditor of Public Accounts and Treasurer of State," the Auditor submits the following report of receipts and expenditures on account of the State of Indiana, from the 30th day of November, 1833, to the 30th of Nov. 1834, both inclusive:

There was remaining in the Treasury on the 30th of Nov. 1833, provided all claims audited to that date were paid		\$16,643 79
Since that period there has been received at the Treasury on account of Revenue unpaid for 1832	15 71	
On account of collection of Revenue for 1833	34,482 66	
On account of collection of Revenue for 1834	1,961 06	
		36,459 39
On account of sales of Michigan Road Lands	42,184 19	
From agent of State for town of Indianapolis	6,496 04	
From sales of Seminary Lands	1,660 30	
From borrowers of Seminary Fund, refunded	5,838 25	
From interest on loans of Seminary Fund	2,197 37	
From Estates without known heirs	118 28	
From rents of Saline Lands	356 23	
From sales of Saline Lands	2,442 54	
From sales of mortgaged Lands	772 94	
From interest of Indianapolis Fund	559 90	
From loans of Indianapolis Fund, refunded	6,541 90	

From Superintendant of State Prison	700 00	
From interest on Saline funds	219 75	
From loans refunded of Saline Funds	250 00	
	<hr/>	70,337 69

Making the amount of receipts with cash on hand at last report	<hr/>	\$123,540 87
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Since the above period, there has been audited:

For public printing, stationary, and distributing laws, &c.	5,835 92
For expenditures of the last General Assembly, pay of members, clerks, and doorkeepers	16,953 02
For salaries of executive officers	2,750 00
For salaries of prosecuting attorneys	1,114 44
For salaries of supreme and president judges	7,615 59
For salaries of probate judges	2,088 00
For salaries of adjutant and quarter-master generals	125 00
On account of State College	1,706 88
On account of State Library	100 00
On account of State Prison	2,906 87
On account of Wabash and Erie Canal	25 00
On account of Michigan Road	42,184 19
On account of Seat of Government	342 23
On account of specific appropriations	2,164 08
On account of superintendence of Salt Springs	61 42
On account of wolf scalps	728 00
On account of loans of Seminary Funds	8,772 25
On account of Presidential election of 1832	4 00
On account of expenditure of Contingent Fund	939 35
On account of State House	16,433 83
On account of loans of Indianapolis Funds	5,793 66
On account of loans of Saline Funds	2,650 00
On account of expenditure of Saline Funds	39 75
On account of conscientious fines distributed	12 00

Making the total amount of expenditures	<hr/>	\$121,343 48
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From \$123,540 87, the receipts, take \$121,343 48, the expenditures, and there remains in the treasury on the 30th day of Nov. 1834, the sum of \$2,195 35.

The amount of assessments for the present year is \$53,981 03; from which, after deducting delinquencies and expenses of collection, there will probably be realized \$44,500.

Respectfully submitted,

MORRIS MORRIS, A. P. A.

[No. 2.]

Table of first, second, and third rate Land, the number of Polls, and amount of Assessments in each County, for 1834.

Names of Counties.	1st rate. Acres.	2d rate. Acres.	3d rate. Acres.	Total of Acres.	No. of Polls.	Amount of assessments.	Remarks.
Allen	4,437	18,290	268	22,995	647	\$ 388 93	
Bartholomew	14,730	52,876	5,982	73,588	1,268	934 52	
Boone	700	2,790	19,500	22,990	544	226 24	
Clarke	12,936	64,985	107,325	185,246	1,856	1,618 69	
Clay	2,672	4,013	496	7,181	453	217 31	
Crawford		7,668	20,697	28,355	506	318 51	
Carroll	19,063	11,869		30,932	643	464 84	
Cass	12,399	2,606		15,005	521	310 20	
Clinton	10,489	6,095	11,102	27,686	612	353 80	
Dearborn	8,327	37,899	134,434	180,660	2,506	1,771 50	
Decatur	2,669	83,412	746	86,827	1,311	1,016 44	
Davies	5,806	38,565	19,850	64,176	837	669 93	
Dubois	310	17,008	5,121	22,439	375	265 64	
Delaware	3,079	9,003		12,082	608	306 66	
Elkhart					520	195 00	
Fayette	16,595	86,579	3,602	111,776	1,555	1,269 77	
Floyd	4,024	23,319	37,015	64,358	1,833	761 16	
Franklin	8,391	29,260	31,770	69,421	1,800	1,434 76	
Fountain	46,322	65,403	1,110	112,835	1,613	1,372 31	
Gibson	14,579	42,199	26,748	83,526	1,122	897 56	
Green	1,157	22,610	14,798	38,565	784	498 10	

Grant	4,607	643			5,250	222	\$ 123 96
Hamilton	10,984	21,028			32,012	661	461 91
Huntington						120	45 00
Harrison	856	26,930				1,713	1,389 47
Hendricks		50,170				1,272	778 02
Henry	4,087	72,074		144,668		1,659	1,094 03
Hancock	8,321	8,709		1,691		615	349 76
Jackson	628	52,345		80		1,036	818 43
Jefferson	7,329	56,399		26,614		2,001	1,448 02
Jennings	3,700	47,400		75,156		833	645 94
Johnson	8,088	54,587		4,893		1,996	805 92
Knox	779	41,615		674		1,253	1,148 21
Lawrence	4,145	51,098		105,604		1,507	1,176 89
Lagrange				68,004		287	107 63
Laporte						602	225 75
Madison	3,341	17,557				770	420 82
Marion	9,644	106,912		15,759	20,898	1,906	1,496 42
Martin	8,746	11,055		270	20,071	304	251 38
Montgomery	26,497	99,047		2,565	128,109	1,814	1,496 77
Morgan	8,696	43,974		5,501	58,171	1,278	834 67
Monroe	1,956	38,255		33,826	74,037	1,309	871 35
Orange		30,175		56,612	86,787	1,156	841 00
Owen	3,928	18,393		29,586	51,907	826	569 89
Parke	3,677	102,271		2,059	108,007	1,648	1,319 80
Perry	9,490	12,829		6,269	28,588	621	410 85
Pike	1,784	23,882		2,204	27,870	500	353 88
Posey	2,985	45,445		39,434	87,864	1,141	882 16
Putnam	1,601	85,645		2,606	89,852	1,755	1,195 23
Randolph	240	28,478		22,950	51,668	983	633 21

Ripley	19,306	62,261	81,567	991	\$ 731 63
Rush	155,749	4,091	170,025	2,222	1,865 59
Scott	40,154	10,177	50,974	612	516 28
Shelby	85,128	3,874	90,408	1,570	1,180 32
St. Joseph	11,665	449	16,152	529	345 58
Spencer	19,291	19,107	44,588	598	466 35
Sullivan	2,081	11,215	65,787	1,025	760 82
Switzerland	5,236	20,088	105,167	1,329	1,073 47
Tippecacoe	39,850	5,621	97,165	1,750	1,307 70
Union	1,408	25,245	98,606	1,279	1,023 29
Vanderburgh	10,680	12,035	34,709	611	434 67
Vermillion	3,112	4,537	55,989	1,185	777 47
Vigo	32,627	1,098	94,108	1,404	1,154 20
Warrick	2,953		30,223	661	435 12
Washington	231	111,149	170,836	1,971	1,541 90
Wayne	7,629	130,915	224,112	3,274	2,325 85
Warren	13,051	400	29,541	781	495 42
White				139	52 13
	466,214	1,514,786	4,650,749	74,358	\$ 53,981 03

The number of acres of land subject to taxation for 1834, as per Tract Books in Auditor's office, exclusive of school sections, Michigan road lands, canal lands, and Indian reserves, is 4,757,795; from which deduct the number assessed, namely: 4,650,749, and there remains unassessed for 1834, 107,046 acres.

Respectfully submitted,
M. MORRIS, A. P. A.

Which was read and referred to the committee of Ways and Means.
Mr. Evans moved that one thousand copies thereof be printed for the use of the members of this House, and

The ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bigger, Bradbury, Brett, Carr, Carter of C., Conwell, Cook, Culbertson, Davis, Dunning, Evans, Hannaman, Howard, Johnston of F., Johnson of M., Kelso, Kilgore, Latshaw, Liston, Marshall, McDougale, Mendenhall, Moore, Newman, Puckett, Ray, Rockhill, Shaw, Smith of F., Smith of R., Stafford, Storm, Thompson, Torbet, Vawter, Wallace, Willet, Wilson of H., Wilson of P., and Gregory Speaker—42.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bower, Bryan, Carter of O., Crume, Curry, Curtis, Gaddes, Green, Hargrove, Harris, Henkle, Hoagland, Howell, Leslie, Lockhart, McCalley, McIntire, Nave, Parks, Phelps, Scooling, Shank, Stanford, Strain, Vaudeveer, Walker, Wilson of V., Woodruff, and Wright—31.

So said motion passed in the affirmative.

The Speaker laid before the House the following communication from the Governor:

EXECUTIVE DEPARTMENT, }
Indianapolis, 6th. Dec. 1834. }

THE HON. JAMES GREGORY,

Speaker of the House of Representatives:

Sir—Through the medium of the Chair, I announce to the House of Representatives, the appointment of John L. Ketcham Esq., as Private Secretary, who is authorized to make communications from this Department, to the Legislature during the present session.

I am, Sir,

Very respectfully,

N. NOBLE.

On motion of Mr. Willet, Mr. Wallace was added to the select committee to which was referred so much of the Governor's message as relates to the establishment of a Board of Public Works.

Mr. Bryan presented a petition of James Calfee and others, citizens of Decatur county, praying a change of the mode of doing county business in said county, from Commissioners to that of Justices of the Peace;

Which was read and referred to a select committee of Messrs. Bryan, Shank, and Walker.

Mr. Phelps presented four several petitions of sundry citizens of Harrison county, praying that a part of the territory of said county be attached to the county of Crawford;

Which were severally read, and

On motion of Mr. Leslie, laid on the table.

Mr. Newman presented an account of Samuel C. Sample, for services rendered the State as Attorney;

Which was read and referred to the Committee on Claims.

Mr. Howell, from the Committee on Roads, to which was referred a petition of Wm. P. Hudson and others, praying a change in part of the state road from Rockport to Boonville, reported a bill (No. 25,) to alter and change a part of a certain state road therein named;

Which was read the first time and passed to a second reading.

Mr. Carter of O., from the Committee on Roads, to which was referred a resolution on that subject, reported a bill (No. 26,) to amend an act entitled "an act for opening and repairing public roads and highways," approved Feb. 10th, 1831;

Which was read the first time and passed to a second reading.

Mr. Smith of F., from the select committee to which was referred a petition of Moses Strong, reported a bill (No. 27,) for the relief of the petitioner;

Which was twice read, (the rules of the House having been dispensed with) and ordered to be engrossed and read a third time to-morrow.

Mr. Hargrove, from the select committee to which was referred a petition of Alexander R. Downey and others, citizens of Gibson county, praying a change in the mode of doing county business in said county, reported a bill (No. 28,) to extend the provisions of an act therein named, to Gibson county;

Which was read the first time and passed to a second reading.

Mr. Thompson, from the select committee to which was referred the petition of John Vestal and others, on that subject, reported a bill (No. 29,) amendatory of an act entitled "an act to appropriate a part of the 3 per cent. fund, approved January 31st, 1833.

Which was twice read, the rules of the House having first been dispensed with, and ordered to be engrossed, and read the third time to-morrow.

On motion of Mr. Vawter,

The resolution moved by him and laid on the table on the 6th inst. relative to a State loan of \$1,400,000, was taken up—when Mr. Vawter so modified said resolution, as to direct the committee to inquire into the expediency of reporting a bill.

Mr. Bennett moved to amend said resolution as follows: strike out the word "rail," before "roads," and insert in lieu thereof, "turnpike." And further, before the word "Connersville," insert "College Corner, via Liberty and Brownsville, in Union county."

Mr. Smith of R., called for a division of the question.

And before the question was had thereon—it was,

On motion of Mr. Stanford,

Ordered, That said resolution and proposed amendment do lie on the table.

On motion of Mr. Smith of R.,

Resolved, That the standing committee on Military affairs, be in-

structed to inquire into the expediency of so amending the militia law of this State, that the following description of persons shall be exempt from performing militia duty in time of peace:—all minors under the age of twenty-one years, all those persons over the age of thirty-five years, and all those who may hereafter serve as commissioned officers, in the militia of this State in time of peace for the term of five years, with leave to report by bill or otherwise.

On motion of Mr. Armstrong,

Resolved, That a select committee be appointed to inquire what amendments, if any, are necessary to be made, to the law relative to lands granted for the use of schools in Clark's Grant, with leave to report by bill or otherwise.

On motion of Mr. Hannaman,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law regulating the jurisdiction and duties of justices of the peace, as to give them jurisdiction in all cases of confessed judgments and forfeited bonds, to any sum not exceeding two hundred dollars, exclusive of interest and cost, with leave to report by bill or otherwise.

On motion of Mr. Smith of R.,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of revising and correcting an act, approved Feb. 1st, 1834, entitled "an act to regulate trials of the right of property;" with leave to report by bill or otherwise.

Mr. Walker moved the following resolution:

Resolved, That the committee on Education be instructed to inquire into the expediency of extending the right of taxation for school purposes, according to the present mode of assessing and collecting tax for the support of district schools, so as to include the vender of merchandize and the loaner of money; and report by bill or otherwise.

Which was read—when,

Mr. Vandever moved to confine the inquiry to Dearborn county;

Which motion did not prevail.

And, on the motion to adopt said resolution,

It was carried in the affirmative.

Mr. Wilson of H. moved the following preamble and resolution:

Whereas, an effective military system is highly essential to the safety and character of our State; and, whereas the present law regulating the militia, is defective, and has totally failed to answer any of the purposes so important to our safety at home and respect abroad, therefore

Resolved, That the committee on Military affairs be instructed to inquire into the expediency of adopting the plan for the regulation of the militia of the United States, as recommended by the Hon. James Barbour, late Secretary of War, and if in their opinion the same would conduce to produce a uniform and effective system, then that they report to this House, a joint resolution, instructing our Senators, and requesting our Representatives to use their influence in Congress, for the adoption of the same; and that his Excellency the Governor, also be

requested to transmit a copy of the joint resolution to each of the Governors of the several States, to be by them laid before their respective Legislatures.

Which was read and adopted.

On motion of Mr. Lowe,

Resolved, That the committee of Ways and Means be instructed to inquire into the expediency of so amending the law relative to the assessment and collection of taxes, as to make it the duty of the officers for such purposes, to attend in each township a suitable length of time for the purposes of their respective offices; and to make it the duty of the people to meet such officers for such purposes; and to reduce the per cent. for such collections, in proportion to the diminution of trouble, and that all persons who fail to meet such officers, shall be made liable for the additional costs that would accrue on account of their delinquency.

On motion of Mr. Moore,

Resolved, That the Judiciary committee be instructed to inquire what amendments, if any, are necessary to an act entitled an act concerning free negroes and mulattoes, servants and slaves, approved Feb. 10, 1831, with leave to report by bill or otherwise.

Mr. Bigger moved the following resolution:

Resolved, That a select committee be appointed to inquire into the expediency of so amending the estray law, as to authorize any person taking up hogs after the first of November, over one year old, to fatten and kill the same at any time within a year, under such restrictions as may secure the value thereof to the owner. Also to inquire what amendments, if any, are necessary to the law relating to enclosures, and trespassing animals, with leave to report by bill or otherwise.

Which was read—when,

On motion of Mr. Johnston of F.,

Said resolution was amended, by inserting after the word “owner,” the following—

“And of so amending said act, that any person in whom any estray may vest, if he be desirous to keep such estray, shall pay into the county treasury the amount of the appraised value at the time said estray shall so vest in him, deducting the expenses of appraisement.

On motion of Mr. Smith of F. the same was further amended by inserting the following:

“And that no individual shall take up any hog running in the woods after the first of November.”

The question was then put: shall said resolution as amended be adopted?

And decided in the negative;

And then the House adjourned until 2 o'clock P. M.

Two o'clock P. M.

The House met pursuant to adjournment.

Mr. Smith of R. moved that the several orders of the day which

precede the joint resolution of the Legislature of the State of Indiana, relative to declaring Lafayette a port of entry, be for the present postponed, and that the House do now consider said joint resolution;

Which motion was decided in the negative.

Mr. Brett moved the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the propriety of reducing the fees of State and county officers generally, and to ascertain the amount to which the same, in each particular, ought to be reduced; and also if in some few instances the fees should be deemed to be too low, to state the amount to which they ought to be raised in such instances; with leave to report by bill or otherwise;

Which was read, when

Mr. Evans moved to amend the same by striking out the word "reducing" and inserting in lieu thereof the word "increasing."

Mr. Vawter called for a division of the question.

Mr. Bell moved to lay said resolution and proposed amendment on the table;

Which motion did not prevail.

The question recurred on the motion of Mr. Vawter.

It was thereupon put on the first branch thereof, to wit: on striking out;

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bigger, Brackenridge, Conwell, Curry, Evans, Henkle, Johnston of F., Kelso, Kilgore, Marshall, Newman, Puckett, Ray, Rockhill, Schooling, Smith of F., Thompson, Walker, Wallace, Wilson of V., and Gregory, Speaker—21.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bell, Bennett, Bower, Bradbury, Brett, Bryan, Carr, Carter of C., Carter of O., Cook, Crume, Culbertson, Curtis, Davis, Dunning, Gaddes, Green, Hannaman, Hardesty, Hargrove, Harris, Hoagland, Howard, Johnson of M., Laishaw, Leslie, Lockhart, Lowe, McCalley, McDougle, McIntire, Mendenhall, Moore, Nave, Parks, Phelps, Shank, Shaw, Smith of R., Stafford, Stanford, Storm, Strain, Torbet, Vandever, Vawter, Wilson of H., Wilson of P., Woodruff, and Wright—52.

So said motion was decided in the negative.

Mr. Evans moved to amend said resolution by inserting after the word "generally" these words "including the members of the General Assembly."

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bell, Bennett, Bigger, Bryan, Carr, Carter of O., Culbertson, Curry, Curtis, Davis, Dunning, Evans, Gaddes, Green, Hanna-

man, Hardesty, Hargrove, Harris, Henkle, Hoagland, Howell, Howard, Johnson of M., Kelso, Kilgore, Latshaw, Leslie, Lowe, Marshall, McDougle, McIntire, Mendenhall, Newman, Parks, Phelps, Ray, Rockhill, Schooling, Shank, Shaw, Smith of F., Smith of R., Stanford, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Wilson of H., Wilson of P., Wilson of V., Woodruff, and Wright—53.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bower, Brackenridge, Bradbury, Brett, Carter of C., Conwell, Cook, Crume, Johnson of F., Lockhart, McCalley, Moore, Nave, Puckett, Schooling, Stafford, Storm, Strain, and Gregory, Speaker—21.

So said motion passed in the affirmative.

Mr. Kelso moved that the further consideration of said resolution be indefinitely postponed.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bennet, Bigger, Bradbury, Carr, Carter of C, Conwell, Cook, Crume, Curry, Curtis, Evans, Hannaman, Hardesty, Harris, Henkle, Howard, Johnston of F., Kelso, Kilgore, Latshaw, Lockhart, Lowe, Marshall, McCalley, McDougle, McIntire, Mendenhall, Nave, Newman, Puckett, Ray, Rockhill, Schooling, Shank, Smith of F., Stafford, Storm, Strain, Thompson, Vawter, Walker, Wallace, Wilson of V., Woodruff, and Gregory, Speaker—47.

And those who voted in the affirmative are,

Messrs. Bell, Brackenridge, Brett, Bryan, Carter of O., Culbertson, Davis, Dunning, Gaddes, Green, Hargrove, Hoagland, Howell, Johnson of M., Latshaw, Moore, Parks, Phelps, Shaw, Smith of R., Stanford, Torbet, Vandever, Wilson of H., Wilson of P., and Wright—26.

So said resolution was indefinitely postponed.

On motion of Mr. Vawter,

Resolved, That when this House adjourns it will adjourn until tomorrow 2 o'clock P. M.

On motion of Mr. Ray,

Resolved, That the committee, to which was referred the petition of John Thompson and others, praying the survey and location of a state road from Connersville to St. Omer, also inquire into the expediency of continuing said survey and location from the town of Connersville in Fayette county, to Centreville, in Wayne county, on the best practicable route that will produce the least injury to the farms and property on said last mentioned route; and that said committee report by bill or otherwise.

On motion of Mr. Nave,

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of providing by law for the punishment of any person or persons who may have a suit either civil or criminal pending in

any of the courts in this State, who shall procure the non-attendance of the witness or witnesses after they have been duly subpoenaed to attend in any suit at law at the time and place and on the day such suit or suits may be set for trial in any of said courts; and report by bill or otherwise.

On motion of Mr. Leslie,

Resolved, That the Committee on Education be instructed to inquire into the expediency of so amending an act entitled an act incorporating Congressional townships and providing for public schools therein, approved Feb. 10th, 1831, as to give tenants, of the land appropriated for that purpose, a permanent interest in said land, provided the said tenant shall pay for the use of schools, in the proper township, the annual interest of the full value of said land; with leave to report by bill or otherwise.

On motion of Mr. Armstrong,

Resolved, That the Secretary of State furnish this House with transcripts of the reports required to be made to his office by the Superintendent of the State Prison, by the 6th and 7th sections of the act for the regulation of said prison, approved 10th Feb., 1831.

On motion of Mr. Bigger,

Resolved, That the Standing Committee on the State Bank of Indiana be instructed to inquire into the expediency of applying to the Secretary of War to make arrangements for paying the pensions of the Revolutionary Pensioners at the respective Branches of the State Bank of Indiana; with leave to report by joint resolution or otherwise.

On motion of Mr. Wilson of P.,

Resolved, That the committee on Education inquire into the expediency of revising the several sections of the school law relative to congressional townships, approved February 10, 1831, so as to comprise the same into a smaller body, and give each and every township the right to elect a proper person to take charge of the funds that have or may arise from the sales of the sixteenth sections, and said persons to apply the funds under the direction of the respective trustees of the several townships, and report by bill or otherwise.

Mr. Henkle moved the following resolution:

Resolved, That the Committee on Roads be instructed to inquire into the expediency of so amending the road law, as to require all persons liable to work on roads, to perform at least two day's work by the first day of August; and the remainder of work to be done by the first day of October annually;

Which was read and

On motion of Mr. Carter of O., laid on the table.

On motion of Mr. Marshall,

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of so amending the law regulating the practice in suits at law, that the depositions of all witnesses residing within the State, and more than fifty miles from the place of holding court, may be taken and used as the deposition of witnesses resident without the jurisdiction of the State; with leave to report by bill or otherwise.

On motion of Mr. Ray,

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of providing by law some efficient means of preventing persons from concealing or conveying their property in fraud of creditors; and that said committee also inquire into the expediency of punishing by indictment, all persons who may conceal, convey, or otherwise transfer any of his, her, or their goods, chattels, lands, tenements, or choses in action, moneys or effects, with a view or intent to delay or defraud any creditor; and that said committee report by bill or otherwise.

Mr. Strain, after having obtained leave, presented a bill (No. 30,) to re-locate a certain state road therein named;

Which was read the first time and passed to a second reading.

On motion of Mr. Stafford,

Resolved, That the Committee on Canals and Internal Improvements inquire into the propriety of providing for the examining and survey of a route, commencing at or near the mouth of White river by way of Indianapolis, to some convenient point on the Mississinewa river, with an eye to the construction of a canal on said route, with leave to report by bill or otherwise.

On motion of Mr. Howell,

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of so amending the revenue law fixing a tax on foreign and domestic groceries, as to authorize the board doing county business, to take into consideration the amount of capital employed, and levy a tax accordingly, for any term of time over three months and under twelve; with leave to report by bill or otherwise.

Mr. Howell, from the joint committee on enrolled bills, reported, that they have compared the engrossed with the enrolled bill entitled "an act to authorize the St. Joseph Circuit Court to hold a special session," and find the same truly enrolled.

Whereupon, the Speaker signed said bill.

Ordered, That the clerk carry it to the Senate for the signature of their President.

On motion of Mr. Bower,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the law regulating distress for rent, approved February 1, 1831, authorizing any landlord to make distress for rent, as to give the tenant or defendant the right of a trial on the merits of the case, before the Justice of the Peace before whom such warrant may have been obtained, with leave to report by bill or otherwise.

On motion of Mr. Bell,

Resolved, That the Committee on Canals and Internal Improvements be instructed to inquire into the expediency of authorizing the survey of a canal route from the most eligible point on the Wabash and Erie canal to Andersonstown on White river, thence to Indianapolis, and down the valley of White river to the Wabash.

On motion of Mr. Culbertson,

Resolved, That the Committee of Elections be instructed to inquire into the expediency of so amending the 7th section of the act entitled "an act providing for the election of county and township officers," approved January 30, 1831, as to authorize the election of Justices of the Peace to be ordered by the Clerk of the Circuit Court in vacation of the board doing county business, with leave to report by bill or otherwise.

On motion of Mr. Kelso, the resolution moved by Mr. Crume and laid on the table on the 5th inst. providing for the election of County Treasurers and other county officers, by the people, was taken up.

On motion of Mr. Bryan, said resolution was amended by directing the committee to inquire into the expediency of reporting a bill upon the subject, instead of *directing* them to report such bill.

And on the question, shall the resolution as amended, be adopted?

The ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bell, Bower, Brackenridge, Bradbury, Brett, Bryan, Carter of O., Crume, Culbertson, Curry, Curtis, Davis, Dunning, Gaddes, Green, Hannaman, Hardesty, Hargrove, Harris, Henkle, Hoagland, Howard, Johnston of F., Johnson of M., Kelso, Kilgore, Latshaw, Leslie, Lockhart, Lowe, McCalley, McDougale, Mendenhall, Moore, Nave, Parks, Ray, Rockhill, Schooling, Shank, Shaw, Smith of F., Smith of R., Stafford, Stanford, Storm, Strain, Thompson, Torbet, Vandever, Vawter, Walker, Wilson of H., Wilson of P., Wilson of V., Woodruff, Wright—58.

And those who voted in the negative are,

Messrs. Angle, Bennett, Bigger, Carr, Carter of C., Chapman, Conwell, Cook, Evans, Howell, Marshall, McIntire, Newman, Phelps, Pucket, Wallace, and Gregory, Speaker—17.

So said resolution was adopted.

On motion of Mr. Vandever, the following resolution, moved by Mr. Carter of O. and laid on the table on the 4th inst., was taken up, to wit:

Resolved, That the Committee of Ways and Means, be directed to inquire into the expediency of so amending the act entitled "an act for assessing and collecting the revenue," approved February 10, 1831, as to make it exclusively the duty of the sheriffs in the respective counties of this State, to collect the state and county revenue, and to pay it over as directed by law, and to reduce the fees for collecting the same, and report by bill or otherwise."

On motion of Mr. Wallace, the latter clause thereof (reducing the fees) was stricken out, and on the question to adopt the resolution,

It was decided in the negative.

On motion of Mr. Newman,

Resolved, That the Committee on the Judiciary be instructed to in-

quire into the constitutionality of the act entitled "an act to amend the act entitled an act defining the duties of Recorders," approved February 3, 1832; and if in the opinion of said committee, said act is unconstitutional, that they report a bill repealing the same.

On motion of Mr. Evans, the resolution moved by him and laid on the table on the 5th inst., requiring the Agent of the 3 per cent. fund, to report to this House the amount and former disposition of said fund, was taken up and adopted.

A message from the Senate, by Mr. Morris their Secretary:

MR. SPEAKER—

The Senate has passed an engrossed bill, entitled "an act to vacate the town of Baridstown, in Harrison county,"—in which bill the concurrence of the House of Representatives is requested.

The bill named in said message was read the first time, and passed to a second reading.

On motion of Mr. McDougale,

Resolved, That the committee on the affairs of the State Prison be instructed to inquire into the expediency of authorizing the removal of all the convicts in the State Prison into any county that may wish the benefit of such prisoners in making roads and highways, on condition that the county obtaining such convicts, do bear all the expenses of feeding and keeping said prisoners for the whole time they may be employed in such county, with leave to report by bill or otherwise.

On motion of Mr. Newman,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of causing to be published with the Laws of the present session, an act of Congress, entitled "an act concerning the mode of surveying the lands of the United States," approved Feb. 11, 1805, and that they report to this House.

On motion of Mr. Mendenhall,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of providing by law, so as to enable any person who may be committed to the county jail of any county for the non-payment of costs adjudged against any such person, to discharge himself or herself from such confinement, by availing himself or herself of the benefit of the act for the relief of insolvent debtors, and report by bill or otherwise.

Mr. Hoagland, after having obtained leave, presented a bill, (No. 31,) to authorize the Board of Commissioners of Scott county, to make certain appointments; which was twice read, (the rules of the House having first been dispensed with,) and,

On motion of Mr. Stanford,

Amended, by striking out the preamble.

The said bill was then ordered to be engrossed, and read a third time to-morrow.

Mr. Storm, after having obtained leave, presented a bill, (No. 32,) to amend an act entitled "an act to provide for the inspection of salt, beef, and flour;"

Which was twice read, (the rules of the House having first been dispensed with,) when,

Mr. Wallace moved that it be committed to a committee of the whole House, for to-morrow.

Which reference was,

On motion of Mr. Dunning,

Changed to a select committee—and the bill was so referred.

Ordered, That Messrs. Dunning, Wallace, and Storm, be that committee.

Mr. Chapman moved the following resolution:

Resolved, That the Judiciary committee inquire into the expediency of providing by law, a penalty, to be recovered by presentment or indictment of any person or persons, who shall wilfully or negligently deface, destroy, or otherwise injure any established corner or land mark of any public survey made by the county or United States surveyors.

On motion of Mr. Kelso,

The words "or negligently," were stricken out of said resolution.

On motion of Mr. Vandever,

The words "or mischievously," were inserted in the blank thus made—and

The said resolution, as amended, was then agreed to by the House.

On motion of Mr. Willet,

The resolution moved by Mr. Wallace, and laid on the table on the 2d inst., limiting the time for the introduction of resolutions in the House to one hour each day, was taken up; when

Mr. Kelso modified his pending amendment, to extend such time to two hours, so as to read "one hour and a half."

The question being then put on said amendment as modified, it passed in the affirmative.

And said resolution as amended, was adopted.

On motion of Mr. Strain,

Messrs Moore and Lockhart were added to the select committee to which was committed the bill, (No. 32,) to amend an act entitled an act to provide for the inspection of salt, beef, and flour.

Mr. Kilgore, after having obtained leave, presented a bill, (No. 33,) to change the time of holding the probate court in the county of Delaware, which was three times read, (the rules of the House having first been dispensed with,) and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate, and ask their concurrence.

Mr. Hargrove, after having obtained leave, presented a bill, (No. 34,) to repeal an act entitled, "an act for the encouragement of Education," approved Feb. 2, 1833;

Which was read the first time, and passed to a second reading.

Mr. Lowe, after having obtained leave, presented a bill, (No. 35,) for the relief of John G. Davis;

Which was read the first time, and passed to a second reading.

The House then proceeded to consider the orders of the day.

A bill (No. 2,) to repeal a certain act therein named—

Was read the second time.

Mr. Rockhill moved to postpone the further consideration thereof, indefinitely; when,

On motion of Mr. Carter of O.,

Ordered, Said bill and motion to postpone, do lie on the table.

A bill, (No. 3,) to legalize the sale of a certain school section therein named—

Was read the second and third time, (the rules of the House having first been dispensed with,) and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate, and ask their concurrence.

A joint resolution, (No. 4,) on the subject of distributing the laws and reports of the supreme court—

Was read a second and third time, (the rules of the House having been dispensed with,) and passed.

Ordered, That the clerk carry it to the Senate, and ask their concurrence.

A bill, (No. 5,) to legalize the election of trustees, was read a second time; and,

On motion of Mr. Thompson,

Re-committed to the same select committee, by whom it was reported.

A bill, (No. 6,) for the relief of John Peffley, a purchaser of school lands in the county of Montgomery;

Was read a second and third time, (the rules of the House having been dispensed with,) and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate, and ask their concurrence.

A bill, (No. 7,) to incorporate the Vincennes Medical Society for the promotion and diffusion of correct medical knowledge,

Was read the second time, and ordered to be engrossed and read a third time to-morrow.

A bill to divorce George Beck from his wife Mary Beck;

Was read the second time.

Mr. Angle moved to commit said bill to a committee of the whole House for to-morrow.

Mr. Kilgore moved to postpone the further consideration thereof indefinitely.

Mr. Crume moved to lay the same on the table;

Which motion did not prevail.

The question recurred, on motion of Mr. Kilgore, to postpone indefinitely, the further consideration thereof;

And the ayes and noes being requested thereon by two members:—

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bennett, Bower, Brackenridge, Brad-

bury, Brett, Bryan, Conwell, Curry, Curtis, Davis, Gaddes, Hanna, man, Hardesty, Hargrove, Harris, Howell, Howard, Johnson of F, Kelso, Kilgore, Marshall, McCalley, McDougale, Mendenhall, Moore, Newman, Parks, Puckett, Ray, Rockhill, Shank, Shaw, Smith of F., Smith of R., Stafford, Stanford, Storm, Thompson, Vawter, Walker, Wallace, Wilson of P., Woodruff, Wright, and Gregory—47.

And those who voted in the negative are,

Messrs. Bell, Bigger, Carr, Carter of C., Carter of O., Cook, Crume, Dunning, Evans, Green, Henkle, Hoagland, Johnson of M., Latshaw, Leslie, Lockhart, Lowe, McIntire, Nave, Phelps, Schooling, Strain, Torbet, Vandever, Willet, Wilson of H., and Wilson of V.—27.

So said bill was indefinitely postponed.

And then the House adjourned.

WEDNESDAY, DECEMBER 10, 1834.

Two o'clock P. M.

The House met pursuant to adjournment.

The Speaker laid before the House the following annual report of William Polke, the Commissioner on the Michigan Road:

TO THE HON. JAMES GREGORY,

Speaker of the House of Representatives:

Sir—Permit me, through you, to lay before the House of Representatives, my Annual Report of the operations on the Michigan Road, with accompanying documents.

Respectfully,

WILLIAM POLKE, C. M. R.

In obedience to the "act to provide for selling the Michigan Road Lands" &c., approved February 2d, 1832, the undersigned Commissioner, submits the following report:

That on the 16th day of April last, having previously advertised the same, he commenced at the town of Laporte to let out the improvements at public sale, of such miles and parts of miles, as in his opinion, would be most beneficial to the road, and continued the sales until the 12th of May, at which time he held the last sale at Madison.

After the public sales were completed, having an unexpected balance, he proceeded to lay off the road into three districts; the first district to extend from the 1st to the 70th mile, the 2d, from the 70th to the 162d mile, reaching to the Wabash river at Logansport, and the

3d from Logansport to Lake Michigan; and appointed Superintendents to the first and second districts, requiring them to pass the road frequently and inspect the work as it progressed, and to enter into such additional contracts as might, on examination, appear necessary. To the first district, Daniel Kelso, Esq., was appointed, and to the second, Horace Bassett, Esq., the third district was personally superintended by the Commissioner. He was induced to adopt this course, from the conviction that more beneficial improvements would be made, that the pay of the Superintendents would be an actual saving to the road fund, and that the improvements would be of a better character, by the employment of such a superintending agency whilst the work was in progress, and the result has not disappointed his just expectations. Had it not been for the uncommon degree of sickness during the past season, he believes the contracts would generally have been completed, but owing to that circumstance, some remain unfinished. Nevertheless, the Commissioner has the satisfaction of informing the General Assembly, that the improvements are in such a state of forwardness, that no serious injury will be sustained by the public from that cause, and the completion of the contracts early in the ensuing spring, will be of more solid and permanent advantage to the road than to have been completed late the present season.

The uncommon emigration to the North, and the amount of merchandize (principally salt and other heavy articles,) which has been transported from South Bend, Michigan City, and other places to the Wabash, &c., in the unfinished state of the road, has much impeded the progress of the work, and materially injured the same, before it became sufficiently settled for carriages to pass over with ease and facility.

There have been sold of Michigan Road Lands since my last report, commencing Dec. 4th, 1833, to November 21st, 1834, 34,071 acres and 8-100, as will appear by certificates numbered from 1342 to 1746 inclusive; amounting to 42,588 dollars and 57 cents. By deducting the number of acres sold from the amount that was unsold at the time of the last report, there will remain for the further improvement of the road, 30,933 25-100 acres, subject to the scrip in circulation and other claims on the Road Fund.

The undersigned, on the 16th of January of the present year, addressed a letter to the Honorable E. Hayward, of which document H is a copy. That officer not being authorized by the existing laws to comply with the request therein made, the subject was, by the Hon. John Tipton, brought before the Congress of the United States, and a law passed, approved June 28th 1834, authorizing other lands to be selected in lieu of the sections therein named.

The undersigned has proceeded to make the selections authorized by the law above referred to, and of other sections to complete the entire road grant, amounting in all to five sections. It will therefore be with the General Assembly to pass a law for the sale of these lands at such time as they may deem proper.

Should the General Assembly authorize a continuance of the im-

provements on the road the ensuing year, the Commissioner would respectfully suggest the propriety of having plain and substantial bridges over Eel and Tippecanoe Rivers, as the travel on the road urgently requires such improvements; much inconvenience being experienced, especially during the winter, on account of high water and ice.

The accomplishment of the last named works would complete the bridging of all the streams from the Ohio River to Lake Michigan, with the exception of White River and the Wabash; the bridging of which the road fund will be insufficient to accomplish, unless Congress would donate to the State of Indiana, the fractional sections connected with the Michigan Road Surveys through the late Pottawattamie purchase. These, it is confidently believed, would be sufficient to bridge those streams, and would afford such facilities for settling the country, and increasing the sales of the United States lands in the vicinity of the road, that the General Government would not lose by the donation. It is the more desirable that all the streams should be bridged, as it is believed an important stage route will pass along the road from Indianapolis to connect with the route from Detroit to Chicago, which is now in successful operation, and will complete the line from the Ohio River through the centre of Indiana, by stages and steam boats to New York.

Paper A, herewith submitted, shews in a tabular form, the amount and nature of each contract, with the improvements required from Madison to Logansport.

Paper B, is a similar statement of private contracts entered into between the same points.

Papers C and D, are similar statements of the public and private contracts between Logansport and Michigan City.

Paper E, is a statement of the amount of Scrip due each individual contractor when final settlement shall have been made.

Paper F, is a statement of Clerk hire, Stationary, Printers' Bills, and all other contingent and incidental expenses since last report.

Paper G, is a copy of a letter of instructions to D. Kelso, a similar one having been addressed to H. Bassett, Esq.

Papers H and I, are copies of letters to the Commissioner of the General Land Office.

All of which is respectfully submitted,

WILLIAM POLKE, C. M. R.

REGISTER OF PUBLIC CONTRACTS entered into in the months of May and June, 1834, for the further improvement of the Michigan Road from Madison to Logansport.

<i>No of Contract.</i>	<i>Contractors' Names.</i>	<i>Am't of Contract.</i>	<i>Nature of Improvements.</i>
2	Wm. G. Brown	\$200 00	320 rods of turnpike and 6 culverts.
3	same	40 00	80 rods of turnpike.
11	Z. Freeman	29 00	50 rods of turnpike and one culvert.
14	same	49 50	80 rods of turnpike.
15	same	75 00	10 rods of turnpike and three culverts.
16	A. Custer	70 00	80 rods of turnpike and three culverts.
19	Joseph Clark	100 00	30 rods of double turnpike and thirty feet frame bridge.
21	John Ray	50 00	80 rods turnpike.
22	George Martin	70 00	100 rods turnpike.
25	Joseph Breeding	110 00	92 rods turnpike and grading hill.
26	George Martin	79 00	120 rods turnpike.
28	Thos. Hendricks	164 00	100 rods turnpike and forty feet frame bride.
33	James Martin	70 00	45 rods turnpike, twenty rods raised and one culvert.
34	same	85 00	110 rods turnpike and two culverts.
35	B. K. Spangler	58 00	100 rods turnpike.
42	W. Morgan	20 00	20 rods turnpike and one culvert.
43	Dyer Cobb	166 00	110 rods turnpike, ten rods improved, twenty rods raised, and thirty feet frame bridge.
44	W. Morgan	117 00	100 rods turnpike, ten rods improved, twenty rods raised, and two culverts.
45	T. Hendricks	43 00	50 rods turnpike and one culvert.

46	W. Morgan	45 00	60 rods turnpike and one culvert.
47	J. Hill	280 00	320 rods turnpike, twenty rods raised and two culverts.
48	W. Morgan	364 00	340 rods turnpike, forty rods improved, sixty rods raised, one culvert, and forty-five feet frame bridge.
49	R. McCoy	172 00	320 rods half turnpike, improved twenty rods, raised forty rods, and two culverts.
50	Wm. Morgan	100 00	50 rods turnpike, 100 half turnpike, and twenty raised.
51	Jacob Boyer	31 00	60 rods turnpike, one culvert, and twenty rods drained.
52	same	25 00	50 rods turnpike.
53	James Hill	27 00	40 rods turnpike and one culvert.
55	same	24 00	40 rods turnpike.
57	Wm. Reeder	35 00	52 rods turnpike.
58	same	29 00	45 rods turnpike and one culvert.
58	J. Portlock	300 00	200 feet frame bridge on Conn's creek.
59	W. Reeder	100 00	150 rods turnpike, three culverts, and 20 rods drained.
60	A. Robertson	81 00	120 rods turnpike, 1 culvert, and twenty rods drained.
61	Robertson & Co.	110 00	160 rods turnpike.
63	same	125 00	120 rods turnpike, and twenty rods raised.
64	same	58 00	60 rods turnpike and twenty rods raised.
67	same	37 00	50 rods turnpike.
68	same	253 00	320 rods turnpike and twenty rods raised.
69	same	199 00	220 rods turnpike, 30 rods raised and ten improved.
70	same	244 00	305 rods turnpike, ten rods improved, twenty rods raised, and one culvert.
71	R. Hankins	90 00	120 rods turnpike, 20 improved, 20 raised, & 1 culvert.
72	Robinson & Co.	339 00	94 rods turnpike raised, and 150 feet frame bridge.
74	same	105 00	60 rods turnpike, 50 rods raised, & 25 ft. frame bridge.
75	Lewis Andrews	82 00	50 rods turnpike, ten rods improved, and twenty raised.
76	same	51 00	40 rods turnpike, thirty rods raised, and one culvert.

77	B. D. Portlock.	57 00	30 rods turnpike, twenty rods drained and thirty rods raised.
79	G. Williams	44 00	30 rods turnpike, 14 rods improved, 26 raised.
82	same	47 00	50 rods turnpike, and twenty rods raised.
83	same	90 00	120 rods turnpike, twenty rods improved, and thirty raised.
84	Wm. Griffith	15 00	30 rods turnpike and one culvert.
85	John Nosborn	26 00	30 rods raised, and drain opened.
86	G. Williams	182 00	70 rods turnpike, sixty rods raised, and forty rods drained.
87	S. Williams	165 00	46 rods turnpike, seventy rods raised, and forty improved.
88	G. Williams	50 00	40 rods turnpike, 15 rods raised, and one culvert.
89	same	50 00	40 rods turnpike, 15 rods raised, and one culvert.
90	S. Williams	50 00	30 rods turnpike, 15 rods raised, one culvert, and 15 rods drained.
91	G. Williams	89 00	30 rods raised, sixty rods improved, three culverts, and 15 rods drained.
92	S. Williams	50 00	50 rods turnpike, two culverts and thirty rods drained.
		<u>\$5,816 50</u>	

FROM INDIANAPOLIS TO LOGANSPOET.

96	Isacc Fisher	148 00	150 rods turnpike, thirty-five rods improved, thirty raised, and one culvert.
97	S. Williams	30 00	30 rods turnpike, one culvert, and 20 rods drained.
98	same	70 00	60 rods turnpike, eighteen rods raised, and one culvert.
99	Wm. Griffith	55 00	40 rods turnpike, 2 culverts, and 20 rods drained.
100	David Trester	170 00	90 rods improved, one culvert, and fifty feet frame bridge.

101	B. Cruse	111 00	} Bonds and field notes left at office of C. M. R.		
102	J. Trester	130 00			
103	S. Williams	49 00			
104	S. Fee	30 00			
105	same	129 00			
106	same	136 00			
109	F. Lowe	72 00			
110	same	46 00			
111	same	46 00			
112	B. Patterson	55 00			
113	B. Cruse	93 00	} Thirty rods turnpike and twenty rods raised.		
114	same	69 00			45 rods double turnpike, 20 rods turnpike and one culvert
115	same	50 00			25 rods turnpike, 20 rods raised and ten improved.
116	S. Williams	78 00			Thirty rods raised and twenty rods improved.
117	O. Shurtleff	194 00			Forty rods raised and twenty rods improved.
118	same	108 00			Sixty rods turnpike, thirty rods raised and 171 drained.
119	S. Williams	260 00			Thirty rods turnpike, 40 rods raised and 20 improved.
120	B. Patterson	105 00			Forty rods turnpike, 70 rods raised, 14 improved and 110
121	same	114 00			drained.
122	J. Allen	70 00			Seventy rods turnpike and twenty rods raised.
123	O. Shurtleff	80 00	Seventy rods turnpike, 20 rods raised, one culvert and 30		
124	R. G. Paris	31 00	rods drained.		
125	Wm. Boyle	44 00	Sixty-two rods turnpike and twenty rods raised.		
126	R. G. Paris	70 00	Twenty rods turnpike, 50 rods raised and 24 drained.		
127	Wm. Boyle	14 00	14 and a half rods turnpike, 12 raised and 35 rods drained.		
128	R. G. Paris	75 00	Thirty rods turnpike and fifteen rods raised.		
129	same	85 00	Sixty rods turnpike, fifteen raised and forty drained.		
			Turnpike improved and fifteen rods raised:		
			One hundred rods turnpike, culvert and 40 rods drained.		

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P. Thomas
E. Thomas
R. G. Paris
same
Wm. Boyle
John Allen
James Scott
O. Shurtleff
Wm. Boyle
B. Cruise
Wm. Boyle
B. Patterson
same
R. G. Paris
same
J. Allen
S. Williams
James Scott
R. G. Paris
same
S. Williams
same
R. Grosvenor

130 00
81 00
35 00
29 00
48 00
54 00
47 00
67 00
61 00
47 00
29 00
79 00
110 00
185 00
35 00
75 00
65 00
119 00
50 00
60 00
145 00
191 00
106 00

Total,

\$10,481 50

One hundred rods turnpike and fifty rods raised.
Forty rods turnpike and thirty rods raised.

Bonds and field notes of sale left at the office of the M.
R. Commissioner, and therefore the work is not de-
scribed.

B

REGISTER OF PRIVATE CONTRACTS,

Entered into for the improvement of the Michigan Road, from Madison to Indianapolis, and thence to Logansport, for the year 1834.

<i>No. of Contract.</i>	<i>Contractor's Name.</i>	<i>Am't of Contract.</i>	<i>Nature of Improvements.</i>
1	John Sering	\$500 00	Improving Madison hill.
2 & 3	William G. Brown	110 00	Improving, turnpiking, and grading.
9, 10, & 11	Z. Freeman	52 00	Culvert and drain.
11	Jacob Bryant	10 00	Two culverts and repairing bridge.
13	A. Custer	11 00	Stone culvert and grading.
14	W. Copeland	20 00	Repairing bridge at Graham.
20	John Ray	9 00	
22	George Martin	1 00	
21	H. Hughs	34 50	Forty-six rods turnpike.
25	J. Breeding	3 00	Turnpiking.
26	J. Laughneridge	10 00	
31	J. Cobb	4 00	
32 & 36	J. Glass	15 00	
36 & 50	J. Boyer	80 00	
37	W. B. Cobb	17 00	
39	Joshua Cobb	25 00	
42	A. McConnell	25 00	
42 & 44	W. F. Morgan	40 00	
43 &c.	D. Cobb	59 00	

Bonds and field notes of the sale, left at the office of M. R. Commissioner, and therefore the work cannot be described.

45	T. Hendricks	\$100 00	Stone pillars for bridge, &c.
47, 53, 54, & 55	J. Hill	130 00	
58	Portlock & French	25 00	
62, 63, & 64	J. Gresham	35 00	Bonds and notes left at office of the Michigan Road Commissioner.
63, 64, 68, &c.	A. Robertson	148 50	
64	William E. Midcipp	10 00	
65, 67,	N. Teal	60 00	Bracing Blue river bridge.
67	J. Bennet	10 00	
67	Ira Allen	200 00	
69	W. Reeder	11 50	
70	M. Carney	12 50	
71	R. Hankins	50 00	
72	Morgan & Hill	198 00	Bonds and field notes left at office of Michigan Road Commissioner.
73, 75, 76	Lewis Andrew	40 00	
77	B. D. Portlock	10 00	
82, 84, 86, 87	Griffith & Williams	163 00	
88, 89, 92	John Nosaman	1 50	
85		\$2,230 50	

FROM INDIANAPOLIS TO LOGANSPOET.

96	J. Fisher	141 00	Grading White river hill.
99	Griffith & Williams	500 00	Culvert, grading and drain.
100 & 101	D. Trester	20 00	Turnpiking, &c.
102	D. Bower & Boardman	75 00	
151, '2, '3, '17, '19	S. Williams	300 00	Turnpiking, 20 ft. frame bridge, causewaying, &c.

Raising and improving turnpike.
 Culverts and turnpike.
 Raising turnpike.
 Fifty-two rods turnpike.
 Thirty feet frame bridge, raising, turnpike, &c.
 Turnpike and drain.
 Thirty feet frame bridge, turnpiking &c.
 Turnpike, causeway, culvert, &c.
 Causewaying and hewing timber for road.
 250 feet frame bridge, raising turnpike, &c.
 Improving turnpike and drain.
 Turnpike, causeway, and drains.
 Turnpike, raising, culverts, drains, &c. &c.
 Raising, turnpike, &c.

104, 105 & 106	S. Fee	100 00
109, 110 & 111	F. Lowe	31 00
113	B. Cruse	12 00
120 & 121	B. Patterson	15 00
122	J. Allen	52 00
125 & 127	William Boyle	112 00
131	E. Thomas	44 00
132, 133	R. G. Paris	173 00
143, 145, &c. }	J. Scott	62 83
135, 136 & 148	E. Boggs	100 00
138, 139 & 140	H. Saylor	510 00
146, 155 & 156	G. Vinage	25 50
151	R. Grosvenor	154 38
153 & 154	Williams & Powell	614 00
158, 159 & 160	A. Johnson	117 00
162		
Pay of Superintendent from the first to the seventieth mile, inclusive		\$3,168 71
Pay of Superintendent from the seventy-first mile to the one hundred and sixty-second in- clusive,		372 00
		582 00
		<u>\$6,353 21</u>

REGISTER OF PUBLIC CONTRACTS,

Entered into for the further improvement of Michigan Road, north of Logansport, during the month of April, 1834.

<i>No. of Contract.</i>	<i>Contractor's Name.</i>	<i>Am't of Contract.</i>	<i>Nature of Improvement.</i>
2	John Allen	\$ 70 00	Thirty rods of turnpike raised.
3	same	168 00	Fifty rods of turnpike and thirty rods raised.
25	same	150 00	Twenty rods of turnpike and forty rods raised.
30	same	158 00	Sixty rods of turnpike, twenty rods raised, one culvert and fifteen rods drained.
4	John Saylor	148 00	Forty rods of turnpike, twenty-five rods raised.
33	same	150 00	Sixty rods of turnpike and three culverts.
38	same	144 00	Forty rods turnpike, one culvert and twenty rods drained.
55	same	121 50	Fifty rods of turnpike, forty-five rods raised, one culvert, and 15 rods drained.
58	same	91 50	Forty rods turnpike and thirty rods raised.
62	same	69 50	Fifty rods turnpike, two culverts and twenty rods drained.
97	same	95 00	Forty rods raised.
8	O. Shurtleff	497 00	Forty rods of turnpike, 130 rods raised, two culverts, and 120 rods drained.
18	same	194 00	Twenty rods improved, twenty rods raised, and frame bridge thirty feet.
31	same	84 00	Twenty rods of turnpike and twenty rods raised.
49	same	386 00	Sixty-six rods of turnpike, forty feet frame bridge.
59	same	113 50	Fifty rods of turnpike and forty rods raised.
61	same	179 00	Seventy-five rods of turnpike, 25 rods raised, one culvert, and sixty rods drained.
96	same	50 00	Thirty rods of turnpike, one culvert and twenty rods drained.

9	B. Patterson	\$299 00	Seventy-four rods of turnpike raised, one culvert and frame bridge thirty feet.
10	same	364 00	One hundred and twenty rods turnpiking, sixty rods raised, one culvert and thirty rods drained.
50	same	479 00	Ninety rods turnpiked, forty rods raised, sixty rods drained and bridge forty feet.
51	same	49 50	Fifty rods turnpiking.
11	C. Polke, jr.	439 00	Hundred and sixty rods turnpike, forty rods raised, two culverts, thirty rods drained.
14	S. Patterson	480 00	Hundred rods turnpike, eighty rods raised, one culvert, and one hundred rods drained.
35	same	170 00	Fifty rods turnpike, thirty rods raised, and thirty rods drained.
36	same	118 00	Forty rods turnpiked, one culvert, and thirty rods drained.
19	J. Patterson	280 00	Sixty rods turnpiked, forty rods raised, twenty-five rods drained and frame bridge thirty feet.
32	same	144 00	Fifty rods turnpike, three culverts, and frame bridge thirty feet.
41	same	40 00	Fifteen rods turnpike and one culvert.
20	Williams & Owens	369 00	One hundred rods turnpike, two culverts, and one hundred rods drained.
24	same	141 00	Sixty rods raised and twenty-five rods drained.
37	same	150 00	Thirty-four rods turnpike, twenty rods raised, one culvert, and twenty rods drained.
21	F. Bowls	95 00	Fifty rods turnpike.
22	Jacob Rush	50 00	Twenty-five rods raised.
28	same	390 00	Forty rods turnpike, sixty-seven rods raised, one culvert, thirty rods drained, and frame bridge thirty feet.
29	Wm. Bell	162 00	Fifty rods turnpike and twenty rods raised.
34	Sidney Williams	349 00	Improved and raised ninety rods of turnpike and one culvert.
52	same	49 50	Fifty rods turnpike.

54	same	70 00	Fifty rods turnpike, one culvert, and fifteen rods drained.
88	same	99 00	Fifty rods turnpike, one culvert, and thirty rods drained.
89	same	121 00	Sixty rods turnpike, one culvert, and thirty rods drained.
95	same	70 00	Fifty rods turnpike, one culvert, and twenty rods drained.
99	same	90 00	Twenty-eight rods turnpike improved, and thirty rods raised.
53	H. Henderson	105 00	Forty rods turnpike, forty-five rods raised, and one culvert.
60	Wm. B. Allen	170 00	Fifty rods turnpike and seventy rods raised.
67	S. Goode	47 00	Thirty rods turnpike, and twenty rods raised.
68	same	70 00	Fifty rods raised.
75	John Rush	239 00	Thirty-five rods turnpike improved, thirty-five rods raised, and one hundred rods drained.
76	same	497 00	Seventy-eight rods turnpike improved, and a hundred and ninety-four rods raised.
93	J. Leaming	130 00	Sixty rods turnpike, twenty rods raised, one culvert, and twenty rods drained.
94	same	178 00	Thirty rods turnpike, eighty rods raised, one culvert, and twenty rods drained.
98	A. Burnside	290 00	Sixty rods turnpike improved, forty rods raised, one culvert, and forty-two rods drained.
		\$9,663 00	

REGISTER OF PRIVATE CONTRACTS entered into North of Logansport, for the further improvement of the Michigan Road in 1834.

<i>No. of Contract.</i>	<i>Contractor's Name.</i>	<i>Am't of Contract.</i>	<i>Nature of Improvements.</i>
1	Wm. Scott	\$200 00	Grading hills.
2 and 3	Williams & Powell	104 00	Improving turnpike and culverts.
6 and 7	Wm. Demoss	70 00	20 feet frame bridge, turnpike, and culverts.
8, 18, 49, 51, 52, } 54, 59, 61, & 96 }	O. Shurtleff	483 00	Turnpiking, raising, culverts, &c.
9 and 10	B. Patterson	119 00	Turnpiking, culverts, drain, &c.
10	C. Polke, Jun	26 00	13 rods of turnpiking, &c.
11, 12 and 13	C. Scott	500 00	250 rods of turnpiking and three culverts.
14 and 35	S. Patterson	240 00	20 feet frame bridge, ninety rods turnpike, raising, &c.
15, 16 and 17	A. Wilson	172 00	Raising turnpike and drain.
19 and 20	T. Marten	120 00	Causewaying and raising turnpike.
20 and 37	Williams & Owens.	61 00	Improving turnpike and raising.
21	F. Bowls	45 00	Improving turnpike.
22 and 48	Jacob Rush	90 00	Improving turnpike and raising.
24	J. Bosarth	90 00	Improving turnpike and grading banks.
26 and 34	S. Williams	150 00	Raising turnpike.
27	A. Cain	100 00	Grading hill.
28	A. Hickman	40 00	28 feet frame bridge.
31, 33, and 34	G. Clymer	134 00	Improving turnpike.

33, 55 and 58	John Saylor	\$200 00	20 feet frame bridge and improving turnpike.
44 and 45	A. Chamberlain	109 75	20 feet frame bridge and raising turnpike.
46 and 47	J. & J. Rush	150 00	Raising turnpike and drains.
52	D. Hollinghead	95 00	Improving turnpike.
53 and 56	H. Henderson	180 00	90 rods of turnpike and two culverts.
57, 75 and 76	John Rush	490 00	Turnpiking, improving, raising, &c., forty feet frame bridge and drains.
60	Wm. B. Allen	136 00	50 rods of turnpiking, improving, &c., and one culvert.
60 and 61	J. Henson	12 00	Raising turnpike.
67 and 68	S. Goode	40 00	Improving and raising turnpike.
69	P. Harris	22 00	55 rods of drain ditch.
91, 92, 93, 95, } 96, and 97 }	J. Leaming	270 00	Turnpiking, raising, culverts, drains, &c.
99	N. Johnson	120 00	40 feet frame bridge and raising turnpike.
		<u>\$4,558 75</u>	

E

Register of Contracts on which Scrip is not issued.

No. of Contract.	Contractor's Name.	Amount of Scrip.	Remarks.
1	Sohn Sering	300 00	
11, 12 & 14	Z. Freman	105 00	
21	J. Cole	3	
22 & 29	Dixon & Blair	60 25	
25 & 26	J. Laugherty	10 00	
27, 29, 31, &c.	Shurtleff & Williams	116 28	
32 & 36	John Glass	115 00	
36 & 50	Jacob Boyer	134 00	
33 & 34	James Martin	90 00	
42 & 44	W. F. Morgan	157 00	
45, &c.	T. Hendricks	128 00	
47, 53, &c.	James Hill	227 00	
49	R. McCoy	72 00	
50	Alley & Morgan	15 75	
52, 53, &c.	John Paul	215 25	
58	J. Portlock	115 00	
62 & 63	J. Grisham	35 00	
63	A. Robinson		
72, &c.	Hill & Morgan	48 00	
75 & 76	Lewis Andrews	79 00	
89	S. Silvers	5 00	
			\$34 cancelled.
			20 contract cancelled.

96	J. Fisher	56 00	
98	S. McCormack	14 00	
99	Griffith & Williams	63 00	
102	M. Boardman	50 00	
107, 112, &c.	O. Shurtleff	109 50	
101, 108, 113, &c.	B. Cruse	239 00	
112, 120, &c.	B. Patterson	176 00	
127, 135, &c.	Wm. Boyle	164 00	
153	Wm. H. Campbell		
155, &c.	H. Saylor	10 00	
47	S. Williams	9 34	
	same		
		<u>\$2,921 37</u>	
			20 contract recinded.
			165 contract cancelled at road sales, and more improvements contracted for. \$239 Amount cancelled. Amount south of Logansport.
1	Wm. Scott	69 00	
28, 29, &c.	same		
4	John Saylor		
5	Samuel Ward	20 00	
9, &c.	Peter Demoss		
9, 10, 50, &c.	B. Patterson	30 00	
11	Harrison Barnet		
18, 19 & 20	Thomas Martin	120 00	
24	Saylor & Walker	19 00	
27	A. Coin	100 00	
37	P. Eccleson		
39	J. Walker	3 00	
49 & 50	O. Shurtleff	7 75	
			35 recinded.
			25 cancelled.
			5 cancelled.
			148 cancelled.
			\$20 cancelled.

53, &c. &c. 46 and 47	Dinwiddie & Co.	77 00	100 cancelled.
52	J. & J. Rush	109 00	
57, &c.	Ward Blake	154 35	
72	John Rush		23 recinded.
86	S. Cushman	50 00	
88 and 89	James Webster		100 recinded.
99	A. Blackburn	120 00	
100, &c.	N. Johnson	28 00	
101	A. McClure		20 cancelled.
	S. Miller		
		\$907 10	\$456
			Amount north of Logansport.

EXPENSES paid by Commissioner M. R. from December 24th, 1833, to December 10th, 1834 inclusive, together with his own annual salary and the allowance to Auditor, Treasurer, and Secretary of State, for which the Michigan Road Fund is liable.

	<i>Dolls.</i>	<i>Cents.</i>	<i>Remarks.</i>
Clerks' wages, as per vouchers 221, 234, 239, 240, } 250 and 251, }	435	00	Including finishing, copying and recording field notes, maps, &c., commenced last year, & Clerks at Commissioner's office and at land sales.
Printers' bills, as per vouchers 222, 224, 233, 236, } 244, 245, 246, 247, 248, }	81	50	Road sales, blanks for office, blank bonds for contractors, and outstanding bills for last year.
Stationary as per vouchers 232, 237, 249, }	23	87	Books, papers, &c. at office, and at land sales.
Incidental expenses as per vouchers 223, 227, 228, } 229, 330, 231, and 238, }	13	50	Criers of road sales.
Commissioner's salary from December 1st, 1833, } to Nov. 30, 1834, }	800	00	
Auditor's allowance, }	50	00	
Treasurer's allowance, }	50	00	
Secretary of State's allowance, }	50	00	
	<u>\$1,503</u>	<u>87</u>	

MADISON, May 12, 1834.

Sir:

Having completed the sales from Michigan to Madison, on the Michigan Road, I find a balance of the appropriation unexpended.

I have concluded to put eight hundred dollars at your disposal, to be expended between the second and seventieth miles from Madison. Five hundred dollars to be expended between Madison and Napoleon, and the remaining three hundred between Napoleon and the seventieth mile, including the same.

You are hereby authorized to enter into such private contracts as you may deem most beneficial to the road, and to make the same, as nearly as practicable, equally good. The contracts you may authorise to be completed at the same time of the public contracts, and to be paid in Michigan Road Scrip. In the same manner you will be authorized to examine and receive the contracts of last year, so soon as they are completed. You will be furnished with all the necessary papers, field notes, etc. to enable you to determine when their contracts are completed, and when completed, you will certify the same to me, which will entitle each contractor to receive his Scrip, on presenting such certificate at the office of the Michigan Road Commissioner at Chipewewa, Cass county, on the Michigan Road.

It will be necessary for you to pass the Road frequently, as the work progresses, as I am well convinced such a general superintendence will be of essential service, and will be money, as well or better expended, than the same amount could be in any other way.

You will please make an account of the time you are in service, for which you will be entitled to three dollars per day, in the Michigan Road Scrip, for each and every day you may be so employed.

Your district will be from the second to the seventieth mile north of Madison, inclusive.

I am yours, &c.

WM. POLKE, C. M. R.

DANIEL KELSO, Esq.

H

INDIANAPOLIS, Jan. 16, 1834.

Sir:

The Commissioners appointed to select the lands donated to the State of Indiana, for the purpose of constructing the Michigan Road, have yet a few sections to select, to complete the entire Road Grant, which, at the suggestion of the Surveyor General, for the states of Ohio, Indiana, &c. is delayed, until the lands ceded to the United States by

the Pottawattomie Indians, at the treaty of 1832, is surveyed. The Commissioners in their selections, in selecting sections 18, 29, and fractional section 32, in Township 37 N., Range 1 east of the second principal meridian, made a mistake in the township, intending T. 38 instead of 37; and as by this mistake those sections are useless, (falling in what is termed the Kankakee Marshes,) the undersigned would respectfully request to be permitted to surrender those lands to the United States, and to select other lands in lieu thereof, within the late Pottawattomie country, contiguous to where the Road passes through the same.

Your attention is respectfully requested.

WM. POLKE, C. M. R.

Hon. E. HAYWARD, }
Com. Gen. Land Office. }

I

OFFICE OF COMMISSIONER M. R. }
Chippewa, Oct. 31, 1834. }

Sir:

By an act of Congress, approved June 28, 1834, the State of Indiana is authorized to select other lands in lieu of sections, numbered 18 and 29, and fractional section numbered 32, in Township 37, north of Range 1 east of the second principal meridian.

As Commissioner of the Michigan Road, in conformity to the provisions of the above recited act, I have selected sections 27 and 34, in Township 36 north of Range 3 west; and part of section 18, Township 35 north, and Range 5 west; and the remaining part of section 18 and sections 21 and 22, in the same township of 35 north, and Range 5 west, I have selected, to complete the entire Road Grant to the State of Indiana, to construct the Michigan Road; and request that the selections now made may be confirmed, and set apart for the purposes for which they were originally granted, and that the Register and Receiver of the United States Land Office, at Laporte, may be so instructed.

I am Sir, yours,

with consideration and esteem,

WILLIAM POLKE, C. M. R.

Hon. E. HAYWARD, }
Com. Gen. Land Office. }

Which was read and referred to the committee on roads.

On motion of Mr. Smith of R. 500 copies of said report were ordered to be printed for the use of the members of this House.

The Speaker laid before the House a communication from George Smith relative to the public printing.

Which was read, and on motion of Mr. Bigger,

Ordered, That the same do lie on the table.

Mr. Angle presented a petition of Richard Newport and others, citizens of Clinton county, praying an act authorizing a called session of the Circuit Court of said county;

Which was read and referred to a select committee of Messrs. Angle, Curry, Hannaman, and Henkle.

Mr. Kelso presented a petition of the officers of the 14th Regiment, Indiana Militia, praying a change in the law regulating the militia of the State;

Which was read and referred to the Committee on Military Affairs.

Mr. Green presented a petition of Robert Wilson and others, citizens of Posey county, praying a change in the law for opening and repairing public roads and highways;

Which was read and referred to the committee on roads.

Mr. Hoagland presented two several petitions of George Byfield and others, citizens of Scott county, praying appropriations out of the 3 per cent. fund for the purpose of removing obstructions to the navigation of the Muscackatuck river;

Which was read and referred to the Committee on Canals and Internal Improvements.

Mr. Lockhart presented a petition of Thomas Jenkins and others, citizens of Washington county, praying for a State road from Corydon to Livonia;

Which was read and referred to the Committee on Roads.

Mr. Hoagland presented a petition of Kearus Collings and others, citizens of Clark, Scott, Jackson, and Jennings counties, praying a state road from the Slate ford on the Muscackatuck to Jeffersonville;

Which was read and referred to the Committee on Roads.

Mr. Howell, from the Joint Committee of Enrolled Bills, reported that they did on this day present to his Excellency the Governor for his approval and signature an enrolled bill entitled "an act to authorize the St. Joseph Circuit Court to hold a special session."

Mr. Nave presented a petition of Robert Willson praying relief;

Which was read and referred to the Committee on Claims.

Mr. Hardesty presented a petition of J. Lynch and others, praying a law relative to a passway between adjoining land holders;

Which was read and referred to the Committee on Roads.

Mr. Puckett presented a petition of Thomas Dunn and others, praying that the premium on wolf scalps be raised;

Which was read and referred to a select committee of Messrs. Puckett, Kilgore and Rockhill.

Mr. Liston, from the Judiciary Committee, made the following report:

The Judiciary Committee, to which was referred a resolution instructing them to inquire into the expediency of so amending the law regulating the jurisdiction and duties of Justices of the Peace, as to give them jurisdiction in all cases of confessed judgments and forfeited bonds to a sum not exceeding two hundred dollars exclusive of interest and costs, have had the same under consideration, and have directed me to report that it is inexpedient to legislate upon that subject, and ask to be discharged from the further consideration of the same;

Which was read, when,

On motion of Mr. Hannaman, the same was re-committed to a select committee with instructions to report a bill in accordance with the resolution;

Whereupon Messrs. Hannaman, Moore, and Carter of O. were appointed said committee.

Mr. Johnston of F., from the Judiciary Committee, to which was referred a resolution on that subject, reported a bill (36) to amend an act entitled an act concerning vagrants, approved Jan. 22d, 1818;

Which was read the first time and passed to a second reading.

Mr. Thompson made the following report:

The Judiciary committee to whom was referred the resolution adopted by the House on Friday last, instructing them to "inquire into the constitutionality and expediency of the power of the General Assembly, to grant divorces in any case whatever," have had the same under consideration, and have directed me to report—

That in examining the first inquiry proposed by the resolution, they have confined themselves to a consideration of the principles specifically set forth in the second article of the constitution of Indiana, and those which incidentally result from them. That instrument contains the following language: "The powers of the government of Indiana shall be divided into three distinct departments, and each of them be confined to a separate body of magistracy, to wit—those which are legislative, to one; those which are executive, to another; and those which are judicial, to another. And no person, or collection of person, being of one of those departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted."

In addition to this, they recognize the context of the constitution, as defining to each department, specific and separate functions. To the *legislative*, the power of *making*; to the executive, the power of *approving* and *executing*, and to the judicial, the power of *administering* laws. To prevent the encroachment of one of these, upon the duties and powers of another, they are called "distinct," and "confided to a separate body."

The committee cannot therefore, perceive the *right* of one of these departments to assume the performance of duties assigned to another; but can readily anticipate the consequences of such an event. The refusal of one to afford that mutual support to the others, which is required by the exigencies of government, it cannot be denied, must produce an effect destructive of every principle of constitutional law. And, it is perfectly apparent to the committee, if a refusal of mutual support, results in consequences different from those contemplated by the framers of the constitution, that an *assumption of power* cannot produce an opposite effect.

But, the committee believing that there are none who doubt that these principles are settled and established, will proceed to the inquiry, to which of these departments belongs the power to grant divorces?

If it is contended that it pertains to the legislative, the committee cannot perceive the plausibility of such an opinion. It is true, the General Assembly has the power to pass laws regulating and defining the jurisdiction of courts, and prescribing for what causes a subsequent contract shall be considered invalid and void, or for what reasons a divorce shall be granted. These are legislative functions *alone*. But after these powers are defined, as belonging to another department, whose duty is assigned by constitutional provisions, does it follow, as a necessary consequence, that the *superior* and *inferior* power shall exercise concurrent action? The committee cannot perceive that it does.

In considering this subject, however, the committee will not refer to the Ecclesiastical or Canonical provisions, regulating divorces in England, but will place the subject matter of the inquiry, upon such grounds as are recognized by American jurists. Chancellor Kent, of New York, uses the following language: "The question of divorce involves investigations which are properly of a judicial nature, and the jurisdiction over divorces ought to be confined exclusively to the judicial tribunals, under the limitations prescribed by law." And Justice Story, upon the same subject, says, "I am not prepared to admit a power in the State legislatures to dissolve a marriage contract, without any cause or default, and against the wish of the parties, and without a judicial inquiry to ascertain the breach of the contract."—With these opinions, the committee accord. What, they would ask, would result from a different course? The statutory laws of our State seem to recognize applications for divorces as embracing matter capable of demonstration, by the means of evidence *alone*. For example, the third section of the law regulating divorces, speaks of the right of the defendant to "controvert the allegations of the libel or petition." And, in the subsequent section, in defining the means by which a divorce shall be decreed, the following language is used—"If, on hearing the allegations and *proofs* of the parties, there shall appear to be a just cause for a divorce," &c. &c.

If then, it is a matter subject to the rules of evidence *alone*, can it be contended that the legislature would be confining itself to the proper exercise of its authority to procure and examine that evidence? And if evidence is not to be properly presented, would it be *justice* to grant a divorce upon an *ex parte* application?

The committee are well assured, that by law, a divorce cannot be granted upon the confessions, even of the defendant. The law does not contemplate so loose and unguarded an administration of its provisions. Proof is necessary to sustain the allegations in the libel or petition, under a plea of confession by the defendant; otherwise *fraud* and *collusion*, for the mutual convenience of the parties, would be practiced upon the court. Under a state of things like this, would it not be equally dangerous for the legislature to act upon the admissions of the defendant or the allegations of the petitioner?

The committee conceive the practice as capable of no good result, but in direct violation of *law* and *equity*—as debarring the right of the

wife to that portion of the husband's estate, which a court of chancery would allow her, by way of alimony—no court ever having allowed alimony except as incident to a divorce, and none having ever maintained original jurisdiction of an action for it.

The committee, in addition, would respectfully suggest, that it has been decided by the supreme court of the State of Missouri, that all legislative divorces are null and void—that if the parties afterwards intermarry, they are subjected to an indictment for bigamy; and that under that indictment a plea of precedent divorce would be rejected as null and void.

The committee in relying upon this opinion, are aware that it has been already objected that the “constitution and laws of Missouri are different from those of Indiana.” But with proper deference to that objection, they would remark that, although Missouri may not have a constitution like that of Indiana, her institutions are similar—the outlines of her system of government are the same—her State policy is divided into *legislative*, *executive*, and *judicial* departments; and that the decisions of her superior courts well merit the attention and proper consideration of the House.

Under this view of the subject, the committee beg leave further to report the following resolutions, to be adopted by the House, viz:

Resolved, That the power of granting divorces is a power vested by the constitution of Indiana, in the judicial tribunals of the State *alone*, and that, therefore, it is not a legitimate or proper subject of legislation.

Resolved, That granting divorces by the General Assembly, is highly inexpedient, and improper, as divesting individuals of important rights, without giving them notice or opportunity of defence.

The above resolutions reported by said committee, having been read,

Mr. Willet moved to strike out the word, “alone,” in the first resolution.

Mr. Bigger moved that the resolutions and proposed amendment do lie on the table;

Which motion did not prevail.

Mr. Vandever moved that the further consideration of said resolutions be indefinitely postponed.

A division of the question was called for by Mr. Evans, when,

Mr. Willet moved that the first resolution be laid on the table;

Which motion was decided in the negative.

The question was then put on the first branch of the motion of Mr. Vandever to postpone, to wit, on postponing the first resolution—and,

The ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bell, Brackenridge, Brett, Carr, Carter

of C., Carter of O., Chapman, Conwell, Cook, Crume, Culbertson, Curtis, Dunning, Evans, Gaddes, Green, Hargrove, Harris, Henkle, Hoagland, Howell, Howard, Johnson of M., Latshaw, Leslie, Lockhart, Lowe, Marshall, Moore, Nave, Phelps, Schooling, Strain, Torbet, Vandever, Vawter, Walker, Willet, Wilson of H., Wilson of V., Woodruff, and Gregory, Speaker—44.

And those who voted in the negative are,

Messrs. Bennett, Bigger, Bower, Bradbury, Bryan, Curry, Davis, Hannaman, Hardesty, Johnson of F., Kelso, Kilgore, Liston, M'Calley, M'Dougle, McIntire, Mendenhall, Newman, Parks, Puckett, Ray, Rockhill, Shank, Shaw, Smith of F., Smith of R., Stafford, Stanford, Storm, Thompson, Wallace, and Wilson of P.—32.

So said resolution and proposed amendment were indefinitely postponed.

Mr. Crume moved to lay the second above resolution on the table; Which motion was decided in the negative.

The question recurred on the indefinite postponement of said last mentioned resolution.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Carr, Carter of C., Carter of O., Chapman, Cook, Crume, Curtis, Dunning, Gaddes, Henkle, Hoagland, Howell, Johnson of M., Latshaw, Leslie, Lockhart, Lowe, Nave, Phelps, Schooling, Strain, Vandever, Vawter, Willet, and Wilson of H.—26.

And those who voted in the negative are,

Messrs. Armstrong, Bell, Bennett, Bigger, Bower, Brackenridge, Bradbury, Brett, Bryan, Conwell, Culbertson, Curry, Davis, Evans, Green, Hannaman, Hardesty, Hargrove, Harris, Howard, Johnston of F., Kelso, Kilgore, Liston, Marshall, M'Calley, McDougle, McIntire, Mendenhall, Moore, Newman, Parks, Puckett, Ray, Rockhill, Shank, Shaw, Smith of F., Smith of R., Stafford, Stanford, Storm, Thompson, Torbet, Walker, Wallace, Wilson of P., Wilson of V., Woodruff, Wright, and Gregory, Speaker—50.

So said motion was decided in the negative.

Mr. Smith of R. moved to strike out said resolution from the word "improper."

Which motion was decided in the negative.

Mr. Vandever moved to strike out said resolution from the resolving clause, and insert in lieu thereof the following:

"That the passage of bills granting divorces by this House during the present session would be inexpedient and improper."

Mr. Wallace called for a division of the question, and

The first branch thereof being put, to-wit, on striking out, It was decided in the negative.

The question recurred—

Shall said resolution be adopted?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bennett, Bigger, Bower, Brackenridge, Bradbury, Brett, Bryan, Carr, Conwell, Cook, Culbertson, Curry, Davis, Evans, Gaddes, Green, Hannaman, Hardesty, Hargrove, Harris, Howard, Johnston of F., Kelso, Kilgore, Liston, Marshall, McCalley, McDougle, McIntire, Mendenhall, Moore, Newman, Parks, Pucket, Ray, Rockhill, Shank, Shaw, Smith of F., Smith of R., Stafford, Stanford, Storm, Thompson, Torbet, Walker, Wallace, Wilson of P., Woodruff, Wright, and Gregory, Speaker—53.

And those who voted in the negative are,

Messrs. Bell, Carter of C., Carter of O., Crume, Curtis, Dunning, Henkle, Hoagland, Howell, Johnson of M., Latshaw, Leslie, Lockhart, Lowe, Nave, Phelps, Schooling, Strain, Vandever, Vawter, Willet, Wilson of H., and Wilson of V.—23.

So said resolution was adopted.

And then the House adjourned until to-morrow morning at 9 o'clock.

THURSDAY MORNING, DEC. 11, 1834.

The House met pursuant to adjournment.

Mr. Davis presented the petition of Aaron Rush and others, praying a re-location of a state road from Lafayette to Michigan City;

Which was read and laid on the table.

Mr. Crume made the following report:

The committee of Ways and Means, to which was referred a resolution of this House directing them to inquire into the expediency of abolishing the office of Collector and make it the duty of every individual to pay over his part of the revenue to the county treasurer on or before some day certain, have had that subject under consideration, and a majority of said committee have directed me to report that, in their opinion, it is inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration of that matter.

Which was read and concurred in by the House.

On motion of Mr. Stanford,

Mr. Bower was added to the committee on Military Affairs.

On motion of Mr. Crume,

Messrs. Wallace and Carter of C. were added to the committee of Ways and Means.

Mr. Johnston of F. made the following report:

The committee on the Judiciary, to whom was referred the petition of Norman Mulkins praying to be divorced from his wife, Elenor Mulkins, have had the same under consideration, and have instructed me to report that it is inexpedient to legislate on that subject; and ask to be discharged from the further consideration of said petition.

Which was read and concurred in, and the committee discharged.

Mr. Green made the following report:

The Judiciary committee, to whom was referred the petition of William L. Matthes praying to be divorced from his wife Atala, have had that subject under consideration, and directed me to report that it is inexpedient to legislate on that subject; and pray to be discharged from the further consideration of the same.

Which was read, when

Mr. Leslie moved that the same be re-committed to a select committee, with instructions to report a bill in accordance with the prayer of the petitioner.

Which motion was decided in the negative.

The question was then put, Will the House concur in said report?

And passed in the affirmative.

Mr. Shaw, from the committee on Education to which was referred a petition of John C. Holland, School Commissioner of Knox county, reported a bill (No. 37,) to provide for the sale of certain school lands therein named;

Which was read the first time and passed to a second reading.

Mr. Shaw, from the Committee on Education, to which was referred a resolution on the subject of allowing lands to be redeemed in counties where no School Commissioner had been elected, &c., reported a bill (No. 38,) to amend an act entitled "an act to provide a fund to encourage common schools," approved Feb. 2d, 1832;

Which was read the first time and passed to a second reading.

Mr. Hargrove made the following report:

The Committee on Claims, to whom was referred the claim of Samuel C. Sample, have had the same under their consideration, and have directed me to report the following resolution:

Resolved, That the Committee of Ways and Means be directed to allow Samuel C. Sample in the specific appropriation bill, the sum of five dollars for services rendered the State in collecting arrearages of revenue from the Collector of St. Joseph county for the year 1832.

Mr. Liston moved to amend said resolution by adding thereto the following: "and the sum of forty dollars for services rendered as special Prosecuting Attorney in the year 1832."

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative, are,

Messrs. Angle, Bell, Bennett, Bradbury, Brett, Bryan, Carr, Carter of C., Chapman, Conwell, Cook, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Evans, Green, Hannaman, Hardesty, Harris, Henkle, Howard, Johnson of M., Johnston of F., Kelso, Kilgore, Latshaw, Lee--

lie, Liston, Lowe, Marshall, McDougle, McIntire, Mendenhall, Newman, Puckett, Rockhill, Scooling, Shaw, Smith of F., Smith of R., Storm, Thompson, Torbet, Vawter, Wallace, Willet, Wilson of H., Wilson of P., Wilson of V., Wright, and Gregory, Speaker—54.

And those who voted in the negative are,

Messrs. Armstrong, Bower, Carter of O., Gaddes, Hargrove, Hoagland, Howell, Lockhart, McCalley, Moore, Nave, Parks, Phelps, Shank, Stafford, Stanford, Strain, Vandever, Walker, and Woodruff—20.

So said motion passed in the affirmative.

Said resolution as amended was then adopted.

Mr. Hargrove made the following report:

The Committee on Claims to which was referred a resolution of this House, directing them to inquire into the expediency of making Andrew Wilson certain allowances for services done and expenses incurred as Commissioner of Saline Lands in Orange county, together with the accompanying documents, have had the same under their consideration, and have directed me to report the following resolution:

Resolved, That the Committee of Ways and Means be directed to make Andrew Wilson, Commissioner of Saline Lands in Orange county, the following allowances, to wit: For necessary books, papers, maps, &c., in making sale of said lands, the sum of sixteen dollars and fifty-eight cents;

For travelling to and from Indianapolis to make deposite of the funds arising from the sale of said lands, with travelling expenses, the sum of twenty dollars.

For money paid by said Commissioner for necessary printing to the editors of the Indiana Patriot, New Albany Gazette, Vincennes Sun, and Indianapolis Democrat, the sum of twenty-four dollars and fifty cents;

Which was read and concurred in.

Mr. Dunning, from the select committee to which was committed the bill (No. 32,) to amend an act entitled "an act to provide for the inspection of salt, beef, and flour," reported the same without amendment.

Said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Thompson, from the select committee to which was committed the bill (No. 5,) to legalize the election of Trustees, reported the same with one amendment;

Which was read and concurred.

Said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Curry, from the select committee to which was referred the petition of David Clark and others, citizens of the town of Crawfordsville, reported a bill (No. 39.) appropriating certain moneys accruing to the incorporation of the town of Crawfordsville, to the purpose of building a market house and improving the streets of said town;

Which was read the first time and passed to a second reading.

Mr. Wright, from the select committee to which was referred a petition of John McIntire and others, on that subject, reported a bill (No. 40,) to locate a state road from Petersburg to Carlisle *via* Bruceville;

Which was read the first time and passed to a second reading.

The Speaker laid before the House a communication from the Secretary of State, in pursuance of a resolution of the 9th inst., covering reports of the Superintendent of the State Prison;

Which were severally read and referred to the Committee on the State Prison,

And then the House adjourned, until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

On motion of Mr. Dunning,

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of so amending the act providing for the appointment of county surveyors and their deputies, approved Feb. 4th, 1831, as to compel persons who may have lands adjoining, and who have the corners thereof established by the county surveyors, to bear the expenses equally if the same number of corners are established, otherwise in proportion to the number each may have established.

On motion of Mr. Leslie,

Resolved, That the Committee on Roads be instructed to inquire into the expediency of so amending the law on that subject, as to require supervisors of roads to make and file a written return of his acts as such supervisor, before the board doing county business for the proper county, which said return shall be sworn to, setting forth that he has caused all the hands liable in his district, to work faithfully and diligently all the time required by law, (or if any delinquents,) that he has commenced suit, setting forth the facts, and that he has otherwise performed his duty according to law, before any allowance shall be made for the service of said supervisor; with leave to report by bill or otherwise.

On motion of Mr. Kilgore,

Resolved, That the Committee on the State Bank be instructed to inquire into the probable expense of the organization of the State Bank and Branches, including house rent, books, stationary, and the salaries of the officers, &c. for one year; and report to this House.

Mr. Chapman moved the following resolutions:

Resolved, That the Committee on Education inquire into the expediency of reporting a bill to this House dividing the State into twelve Academical districts, to be taken and considered as branches of the Indiana College of *Monroe*, and provide for a Board of Directors for said College and branches, to be elected by the Legislature, who shall designate the place in each district for the establishment of said branch, and divide the funds of said College to each district, for the support of tuition in said branch, in proportion to the number of polls, and for

the directors to procure a preceptor for each College district, who will be capable of teaching all the necessary and useful branches of education.

Resolved, That the Committee of Ways and Means report a bill providing by law for 6 per centum of the revenue of the State, to be set apart by the Treasurer as a school fund, to be applied under the authority of the State to the support of education in each branch district of the Indiana College;

Which was read, and,

On motion of Mr. Dunning,

Ordered, That the same do lie on the table.

On motion of Mr. Willet the several orders of [the day that precede the resolution heretofore moved by Mr. Vawter, relative to a State loan of \$1,400,000, were for the present postponed, and said resolution taken up from the table and committed to a committee of the whole House, and made the special order of the day for to-morrow.

On motion of Mr. Davis the several orders of the day which precede the memorial and joint resolution (23) of the Legislature of the State of Indiana, relative to the propriety of declaring Lafayette on the Wabash river a port of entry, were postponed, and the House proceeded to consider said memorial and joint resolution.

On motion of Mr. Davis,

The Committee of the Whole, to which the same was committed, was discharged from the further consideration thereof.

Said memorial and joint resolution was then ordered to be engrossed and read a third time to-morrow.

Mr. Storm, after having obtained leave, presented a memorial and joint resolution (41) relative to the establishment of a mail route from New Albany by Salem, Bedford. Springfield, Bloomfield, and Fairplay, to Terre Haute;

Which was read the first time and passed to a second reading.

Mr. Nave, after having obtained leave, presented a bill (42) to repeal a part of the 85th section of an act relative to crime and punishment approved Feb. 10th, 1831, and also a part of the 9th section of an act regulating the jurisdiction and duties of Justices of the Peace, approved Feb. 10th, 1831;

Which was read the first time and passed to a second reading.

Mr. Moore, after having obtained leave, presented a bill (43) to change the times of holding the Circuit Courts in the 7th Judicial Circuit;

Which was twice read, (the rules of the House having first been dispensed with) and,

On motion of Mr. Wilson of V. laid on the table.

Mr. Chapman, after having obtained leave, presented a bill (44) to incorporate the Fort Wayne and Laporte Clay Turnpike Company;

Which was read the first time and passed to a second reading.

Mr. Lockhart, after having obtained a suspension of the previous orders of business, moved the following resolution:

Resolved, That a select committee be appointed to inquire into the

expediency of memorializing Congress to grant to each *poor* widow in the United States, with a family of children in the minority, destitute of land, the quantity of 40 acres, to be selected by her out of any of the Public Lands not otherwise appropriated, the fee of which shall remain in such widow not subject to be aliened by her for any purpose, or to be taken and sold under execution or otherwise for her debts during her natural life; with leave to report by memorial or otherwise;

Which was read and adopted.

Whereupon Messrs. Lockhart, Strain, Carr, Shaw, Carter of O., and Vandever were appointed a committee in pursuance thereof.

The House then proceeded to consider the orders of the day.

The bill (10) legalizing the election of Probate Judge in the county of Miami,

The bill (11) for the relief of Peter Whitesell,

The bill (12) to repeal a part of the first section of an act locating a State Road from Terre Haute by way of Rockville to Crawfordsville,

The bill (13) to establish a certain road therein named, a state road,

The bill (19) to locate a State Road from the town of Laporte to the western boundary of the State of Indiana,

The bill (20) to locate a State Road from Levenworth town, in Crawford county, to Salem, in Washington county,

The bill (25) to alter and change a part of a State Road therein named,

The bill (28) to extend the provisions of an act therein named to Gibson county, and

The bill (30) to re-locate a certain State Road therein named;

Were severally read the second time and ordered to be engrossed and read a third time to-morrow.

The engrossed bill from the Senate (1) to locate a State Road in Switzerland county,

Was read the second time.

Mr. Marshall moved that said bill be committed to the Committee on Roads;

Which motion did not prevail.

Ordered, That said bill be read a third time to-morrow.

The bill (14) to provide for the election of one Justice of the Peace in the towns therein named,

Was read the second and third times (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

The bill (15) to attach certain territory therein named,

Was read the second time, and,

On motion of Mr. Carter of C.,

Committed to a select committee.

Ordered, That Messrs. Carter of C., Chapman, and Rockhill be that committee.

The bill (17) to provide for opening and repairing public roads and highways in the several counties in this State,

Was read the second time, and,
 On motion of Mr. Crume,
 Committed to a committee of the whole House and made the special order of the day for Monday next.

The bill, (No. 18,) to locate a State road from South Bend to Huntington, on the Wabash, was read a second time.

Mr. Chapman moved to commit the same to the committee on roads, which motion was decided in the negative.

Said bill was then ordered to be engrossed and read a third time to-morrow.

The bill, (No. 22,) for the formation of the county of —, and for other purposes, was read the second time.

Mr. Chapman moved to commit the same to the committee who reported it, with instructions to fill the blank and change the boundaries.

Mr. Smith of F., moved to commit said bill to a committee of the whole House for to-morrow.

The question was put, on the motion of Mr. Chapman, to commit to a select committee, and passed in the affirmative.

On motion of Mr. Kilgore,

The instructions to said committee were so enlarged as to direct the blank to be filled with the name of "Noble," in honor of the late James Noble.

The bill, (No. 26,) to amend an act entitled an act for opening and repairing public roads and highways, approved Feb. 10, 1831, was read the second time; and,

On motion of Mr. Bryan,

Committed to a committee of the whole House, and made the special order of the day for Monday next.

The engrossed bill from the Senate, (No. 4,) to vacate the town of Bairdstown, in Harrison county,

Was read the second and third times, (the rules of the House having first been dispensed with,) and passed.

Ordered, That the Clerk inform the Senate thereof.

The bill, (No. 34,) to repeal an act entitled an act for the encouragement of education, approved Feb. 2, 1833,

Was read the second time.

Mr. Bryan moved to postpone the further consideration thereof indefinitely;

And before the question was had thereon, it was,

On motion of Mr. Smith of R.,

Ordered, That the same do lie on the table.

The bill, (No. 35,) for the relief of John G. Davis, was read the second time.

On motion of Mr. Wallace,

Said bill was committed to a select committee.

Ordered, That Messrs. Lowe, Wallace, and Wilson of P. be that committee.

And then the House adjourned, till to-morrow morning at 9 o'clock.

FRIDAY MORNING, DEC. 12, 1834.

The House met pursuant to adjournment.

A message from the Senate, by Mr. Morris their Secretary:

MR. SPEAKER—

The Senate has passed engrossed bills,

(No. 5,) entitled "An act for the benefit of the heirs of John H. Farnham, deceased, and for other purposes," and

(No 7,) "An act to locate a state road from Decatur county to the National Road, in Henry county,"

In which the concurrence of the House of Representatives is requested.

The bill first named in said message was three times read, (the rules of the House having first dispensed with,) and passed.

Ordered, That the Clerk inform the Senate thereof.

The bill secondly named in said message was read the first time, and passed to a second reading.

Mr. Vandever, after having obtained leave, moved the following resolution, which was read and adopted, to-wit:

Resolved, That the Door-Keeper be instructed to furnish this House with the Acts of 1832, for the use of the members thereof.

On motion of Mr. Stanford,

Ordered, That Mr. Stafford have leave of absence from the service of the House until Monday next.

Mr. Angle presented a petition of Daniel Mace and others, students of the Wabash Manual Labor College and Teachers' Seminary, praying to have their association incorporated by the title of the "Western Literary Society;"

Which was read and referred to the committee on Education.

Mr. Marshall presented a petition from Victor King, on behalf of the President and Directors of the Farmers' and Mechanics' Bank of Indiana, praying authority to collect debts for a period of three years after the expiration of their charter.

Which was read and referred to a select committee of Messrs. Marshall, Wallace, and Bigger.

Mr. Bigger made the following report:

The committee on the Judiciary, to which was referred a resolution of the House instructing said committee to inquire into the expediency of authorizing an appeal to the circuit court from the decision of the associate judges or president judge in vacation, on bill filed for an injunction and on writ of habeas corpus, have had that subject under consideration, and have directed me to report that it is inexpedient to legislate thereon at this time, and ask to be discharged, &c.

Which was read and concurred in, and the committee discharged accordingly.

Mr. Bigger made the following report:

The committee on the Judiciary, to which was referred a resolution of the House instructing said committee to inquire into the expediency of authorizing the clerk of the circuit court, upon an affidavit filed

in his office in vacation of the non-residence in the state of any defendant in chancery or divorce cause, to make out an order of publication of such non-residence without requiring a judge's order therefor, have had the same under consideration, and have directed me to report

A Bill (No 45,) to amend an act entitled an act regulating the practice in chancery, approved Feb. 10, 1831.

The said bill was read the first time, and passed to a second reading.

Mr. Bigger made the following report:

The standing committee on Education, to which the petition of John E. Clark and others, citizens of Morgan county, was referred, have had the same under consideration, and have directed me to report

A Bill (No. 46,) to authorize the seminary trustee of Morgan county to loan certain moneys within his control to the board doing county business in said county.

Said bill was read the first time, and passed to a second reading.

Mr. Bigger made the following report:

The standing committee on Education, to which was referred the petition of S. Dolton and others, and a resolution of the House on the same subject, praying that the laws respecting the French Lick Reserve might be so amended that said lands might be sold in lots of forty acres at the appraised value, have had the same under consideration, and have directed me to report

A Bill (No 47,) to amend an act entititled an act to amend an act to provide for the sale of certain lands therein named, approved January 24, 1834.

The bill named in said report was twice read, (the rules of the House having first been dispensed with,) and,

On motion of Mr. Carter of O., committed to a select committee.

Ordered, That Messrs. Carter of O., Vandever, Shaw, and Bigger be that committee.

Mr. Armstrong made the following report:

The committee on the Affairs of the State Prison, to which was referred the resolution of this House directing an inquiry into the expediency of authorizing the removal of convicts in the State Prison to work the roads in any county where the same might be desired, have had that subject under consideration, and directed me to report that the project contemplated in said resolution is inexpedient; and the committee ask to be released from the further consideration of that subject;

Which was read, when

Mr. McDougle moved to commit the same to a select committee;

Which motion was decided in the negative.

Said report was then concurred in by the House.

Mr. Carter of O. made the following report:

The committee on roads, to whom was referred the petition of Anderson and others praying that the general laws on the subject of roads and highways should be so amended as to secure a more certain mode of opening and keeping in repair roads and highways, and paying of supervisors for warning the hands to work; and to give the circuit courts concurrent jurisdiction with the justices of the peace in the fin-

ing of supervisors for failing to discharge their respective duties, have had that subject under their consideration, and have directed me to report that it is inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration thereof;

Which was read and concurred in.

Mr. Carter of O. made the following report:

The Committee on roads to whom was referred the petition of Lynch and others, praying for the passage of a law to compel those persons owning lands adjoining each other, and where each party wishes to clear said lands to the division line, to leave a space of eight feet between the fence and the division line, have had the same under their consideration, and have directed me to report that it is inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration thereof;

Which was read and concurred in by the House.

Mr. Bryan, from the select committee to which was referred a petition of James Calfee and others, on that subject, reported a bill,

(No. 48,) to change the mode of doing county business in Decatur county;

Which was read the first time and passed to a second reading.

Mr. Davis, from the select committee to which was referred a petition of John D. Farmer and others, on that subject, reported a bill,

(No. 49,) to declare a certain county road therein named, a state road;

Which was twice read, (the rules of the House having first been dispensed with,) and

On motion of Mr. Kelso, committed to a select committee of Messrs. Davis, Kelso, Henkle, and Smith of R.

Mr. Carter of C., from the select committee to which was committed a bill,

(No. 15,) to attach certain territory therein named, reported the same with one amendment;

Which was read and concurred in.

Said bill was then ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Liston,

Resolved, That the select committee to which was referred so much of the Governor's message as relates to the northern boundary of the State of Indiana, be instructed to inquire into the expediency of reporting to this House, a joint memorial to the State of Virginia, to ratify and confirm the present boundary of the State of Indiana, agreeable to the provisions of the act of Congress of April 19, 1816, enabling the people of the Indiana Territory to form a constitution and State government.

On motion of Mr. Wallace,

Resolved, That the Secretary of State be instructed to report to this House, an estimate of the cost of printing the laws and journals, the amount of each usually printed, the number of pages usually taken up by general laws, the number by special laws, together with the probable saving which might be effected by printing the general and special

laws separately, printing copies enough of each to answer the wants of the State.

Mr. Nave moved the following resolution:

Resolved, That the Committee on Canals and Internal Improvements be instructed to inquire into the expediency of employing a skilful engineer to survey the west side of the White river from its conjunction with the Wabash river to Indianapolis, and make an estimate of the probable expense of constructing a canal on the aforesaid contemplated route, together with its practicability and importance, and that said committee report by bill or otherwise;

Which was read, when

On motion of Mr. Kilgore, the same was amended by striking out "Indianapolis," and inserting in lieu thereof "Muncietown."

Said resolution as amended, was then adopted.

Mr. Vandever moved the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law, that whenever an execution shall issue on a judgment upon which no stay shall have been taken, the officer selling the property thereon, shall sell the same on a credit co-extensive with the time such stay from the rendition of said judgment, taking bond and security for the purchase money, on which in default of payment, another execution without additional stay may issue against the purchaser, with leave to report by bill or otherwise;

Which was read, and on the question to adopt the same,

It was decided in the negative.

Mr. Brett moved the following resolution:

Resolved, That the Committee on Elections be instructed to inquire into the propriety of so amending the law relative to the election of County Commissioners, as to confine the election of each commissioner to the voters of the district from which he is to be elected, with leave to report by bill or otherwise.

Which was read, when

Mr. Smith of F., moved to amend the same by striking it out from the resolving clause, and inserting in lieu thereof the following:

"That the Committee on Elections be instructed to inquire into the expediency of repealing the present law, providing that each county shall be divided into districts for the election of County Commissioners."

Mr. Smith of R., called for a division of the question; the first branch thereof was thereupon put, to wit: on striking out,

And decided in the negative.

On motion of Mr. Kelso,

Ordered, That said resolution do lie on the table.

On motion of Mr. Conwell,

Resolved, That the Committee on Education be instructed to inquire into the expediency of so amending the law regulating common schools, as to require the School Commissioners to give bond and security sufficient to cover and secure the full amount that may from time to time come into their hands, with leave to report by bill or otherwise.

On motion of Mr. Carter of C.,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law in relation to writs of *ad quod damnum*, that the jury in appraising the damage which will be necessarily produced by the construction of the tail race, as well as the dam, and condemn the whole mill privilege, as well below as above the mill, and to allow writs of *ad quod damnum* as well after a mill is built as before.

Mr. McDougale moved the following resolution:

Resolved, That the committee of Ways and Means be instructed to inquire into the expediency of adopting the Ohio revenue law, as the law of this State, with leave to report by bill or otherwise; which,

On motion of Mr. Smith of R,

Was indefinitely postponed.

On motion of Mr. Newman,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the existing laws, that in all actions at law that may be commenced or pending in the circuit or other inferior courts, in which it may be necessary for one party to avail himself of any facts in the knowledge of the opposite party, and of which he may now avail himself by a bill in chancery for discovery, the party deriving such testimony, may, or affidavit filed in the proper court, that he does not know of any other person by whom he can prove the alleged facts, he may avail himself of such testimony by causing such opposite party to be summoned to appear in such court to testify in such cause, as any other witness, or by taking the deposition of such opposite party, if he shall not reside within the jurisdiction of such court.

On motion of Mr. Lockhart,

Resolved, That the committee on Military affairs be instructed to inquire into the expediency of repealing so much of the law regulating the militia, as requires one battalion muster in each year, with leave to report by bill or otherwise.

On motion of Mr. Newman,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the act regulating the jurisdiction of justices of the peace, approved Feb. 10, 1831, that any defendant who may be convicted for any offence before a justice of the peace, and who may appeal from the judgment, shall be required to enter into recognizance to appear and answer to the charge, in the circuit court to which the appeal may be taken.

On motion of Mr. Hoagland,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the act prescribing the mode of changing the venue, as to allow the change of venue to be taken in any criminal cause, under such restrictions as are provided in civil suits, with leave to report by bill or otherwise.

Mr. Wilson of V. moved the following resolution:

Resolved, That the committee of Ways and Means be instructed to

inquire into the propriety of raising the salary of the Governor to fifteen hundred dollars per annum, with leave to report by bill or otherwise.

Mr. Smith of R. moved to lay said resolution on the table;
Which motion was decided in the negative.

Mr. Kelso moved to add to said resolution, the following:

"And also the salaries of the Judges of the Supreme Court and the president judges of the several circuit courts in this State, to an amount not exceeding \$1000."

Mr. Smith of R. moved to amend said amendment, by adding thereto the following:

"And to inquire further, whether some provision by law is not necessary to ensure a more punctual attendance of circuit judges at the several places of holding courts in their respective circuits, and whether in case of failure to attend at any court in their circuits, without cause to be provided for by law, a ratable deduction shall be made from their salaries."

Which motion was decided in the negative.

Mr. Chapman moved to amend the said proposed amendment, by adding to it these words:

"And the wages of the members of the General Assembly to three dollars per day."

Mr. Howell moved to postpone indefinitely the said resolution and propositions to amend; when,

On motion of Mr. Bigger,

It was ordered, that said resolution and motions in relation thereto do lie on the table.

On motion of Mr. Dunning,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the act authorizing domestic attachments, and regulating the proceedings thereon, approved Jan. 19, 1831, as to authorize the issuing of an execution against any property belonging to the defendant in the attachment, after all which has been attached shall have been sold without satisfying the judgment or judgments and costs; with leave to report by bill or otherwise.

Mr. Smith of R. moved the following resolution:

Resolved, That the committee on the Judiciary be directed to inquire into the expediency of so amending the first section of an act, approved Dec. 22, 1823, regulating prisons and prison bounds, that the jail bounds shall be extended, and the county bounds be made and established the jail bounds. And to inquire further, what amendments, if any, should be made to the above recited act, with leave to report by bill or otherwise.

Mr. Vandever moved to postpone said resolution indefinitely.

Mr. Smith of R. moved to lay it on the table;

Which motion passed in the affirmative.

Mr. Kilgore, after having obtained leave, presented a joint resolution, (No. 52,) on the subject of exchanging books with the several States;

Which was read the first time and passed to a second reading.

Mr. Woodruff, after having obtained leave, presented a bill (No. 53) to amend the act entitled "an act organizing the Supreme Court, and defining its powers and duties," approved Feb. 2d, 1832;

Which was read the first time and passed to a second reading.

And then the House adjourned until 2 o'clock P. M.

Two o'clock P. M.

The House met pursuant to adjournment.

On motion of Mr. Evans, the House resolved itself into a Committee of the Whole on the resolution heretofore moved by Mr. Vawter, directing the Committee on Canals and Internal Improvements to inquire into the expediency of authorizing a loan of \$1,400,000 for Internal Improvements;

And after some time spent therein the Speaker resumed the Chair, and Mr. Armstrong reported progress, and asked leave to sit again;

Which leave was granted by the House.

The bill (No. 36) to amend an act entitled an act concerning vagrants,

Was read a second time, and,

On motion of Mr. Crume, committed to a Committee of the Whole House for to-morrow.

Mr. Howell, after having obtained a suspension of the previous orders of the day, presented a bill (No. 54) granting licenses in a certain cases therein named;

Which was twice read, (the rules of the House having been dispensed with) when,

Mr. Kelso moved to commit the same to a Committee of the Whole House for to-morrow;

Which motion did not prevail.

Mr. Kilgore moved to amend the 1st section of said bill by inserting after the word "foal" these words, "or mule;"

Which motion was decided in the negative.

Mr. Strain moved to postpone the further consideration thereof indefinitely;

Which motion did not prevail.

Mr. Kelso moved to lay said bill on the table;

Which motion was decided in the negative.

Mr. Wallace moved to commit the same to the Committee of Ways and Means.

On motion of Mr. Kelso said motion was so amended as to give said committee the following instructions:—"amend the bill so as to make it applicable only to such horses, jacks, &c. as are brought from other States to this State, or such as shall be taken from one county to another in this State."

The question was then put, shall said bill be committed, as proposed by Mr Wallace, as amended?

And passed in the affirmative.

And then the House adjourned until to-morrow morning at 9 o'clock.

SATURDAY MORNING, DEC. 13, 1834.

The House met pursuant to adjournment.

The Speaker laid before the House the following report of the Commissioners to superintend the erection of the State House:

INDIANAPOLIS, Dec. 6, 1834.

*To the Hon. the General Assembly
of the State of Indiana:*

The undersigned, Commissioners to superintend the erection of the State House, respectfully report, that during the past year the progress of the building has been such as to satisfy them that it may be completed at least one year sooner than is required by the contract; and this the contractor proposes to do, provided that the payments can be made as the work progresses. This we think can be done, except the amount required by law to be reserved until the building is completed. The workmanship and materials are thus far, in the opinion of the Commissioners, equal to the requisitions of the contract. Sixteen thousand four hundred and thirty-three dollars eighty-three cents has been paid to the contractor for work done and materials furnished between the 1st Dec, 1833 and the 1st Dec. 1834.

Several alterations in the plan of the building have, none of which will materially augment the cost, and several of them we believe should be made. It has been proposed to place the stairs at the outside instead of the centre of the rotunda; to make *sky lights* for the two Halls; to have for the second story, first a rough floor, then a covering of lime and mortar, and then a floor of thin plank, which it is supposed will lessen the noise from below, and be a great security against fire. The Senate Chamber might also be altered according to a drawing exhibited by the contractor; but the Commissioners do not think that the galleries for the Representative Hall should be dispensed with.

In conclusion, they beg leave respectfully to suggest that provision should be made for enclosing the State House square, perhaps for the present with a good fence; that the appointment of a person to be specially charged with the protection of the building should be authorized by law, and that the defacing, injuring, or endangering the building should be prohibited by sufficient penalties.

Respectfully submitted.

N. NOBLE,
M. MORRIS,
S. MERRILL.

Which was read, and referred to the committee on Public Buildings.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate have adopted the following resolution:

Resolved, That the House of Representatives be respectfully requested to furnish the Senate with the documents accompanying the annual message of his Excellency the Governor, or with copies of the same.

Mr. Liston presented a petition of Joseph Hall and others, residents of the territory lying south of Elkhart county, praying the formation of a new county, to be called "High Plain."

Which was read, when

Mr. Liston moved to refer the same to a select committee.

Mr. Chapman moved to lay it on the table;

Which motion was decided in the negative.

The question was then put on the motion of Mr. Liston,

And passed in the affirmative.

Ordered, That Messrs. Liston, Kilgore, Chapman, Gaddes, and McIntire be that committee.

Mr. Smith of F., after having obtained leave, moved the following resolution:

Resolved, That the Enrolling Clerk of this House be directed to furnish copies of all the documents accompanying the annual message of the Governor, for the use of the Senate;

Which was read and adopted.

Mr. Kilgore presented the petition of sundry citizens of the counties of Wayne, Henry, Randolph, and Delaware, praying an extension of the contemplated White Water Canal to the town of Franklin in Wayne county;

Which was read and laid on the table.

Mr. Phelps presented a petition of William Taylor, Sen'r., and others, citizens of Congressional Township No. 2, south of Range 2 east, in the Jeffersonville District, praying a law to authorize the School Commissioner of said township to sell the 16th section therein.

Which was read and referred to a select committee of Messrs. Phelps, Howell, Leslie, Carter of O., and McDougale.

Mr. McDougale presented a petition of Robert Downey and others, owners of lots in, and citizens of, the town of New Albany, praying a law to authorize a change of the plat of said town;

Which was read and referred to a select committee of Messrs. McDougale, M'Calley, Bower, Wilson of H., and Lockhart.

Mr. Lowe presented a communication from sundry citizens of the county of Parke instructing the Senator and Representatives from said county, relative to the law regulating the jurisdiction and duties of Justices of the Peace;

Which was read and laid on the table.

Mr. Newman presented a memorial of the Indiana Annual Conference of the Methodist Episcopal Church, begun and held at Centre-

ville on the 22d October, 1834, praying a reform in the economy of the Indiana College;

Which was read, when

Mr. Newman moved that it be referred to the committee on Education.

Mr. Bigger moved to lay the same on the table;

Which motion did not prevail.

The question recurred on the motion of Mr. Newman,

And was carried in the affirmative.

On motion of Mr. Dunning, the memorial of John T. Johnson and others, citizens of Jennings county, heretofore presented by Mr. Vawter and laid on the table—on the same subject of the memorial last above named—was taken up and referred to the committee on Education.

Mr. Chapman presented four several petitions of sundry citizens of the county of Lagrange, praying a change in the boundaries and a removal of the county seat of said county;

Which were severally read and laid on the table.

Mr. Ray made the following report:

The Judiciary Committee to which was referred the petition of Hiram Kirk and others, praying the passage of a law, authorizing the sale of certain real estate therein named, have had that subject under consideration, and have directed me to report, that it is inexpedient to grant the prayer of the petitioners, and therefore ask to be discharged from the further consideration of the subject;

Which was read and concurred in.

Mr. Ray made the following report:

The Judiciary Committee to which was referred a resolution of this House, directing them to inquire into the expediency of so amending an act entitled "an act to amend an act-subjecting real and personal estate to execution," approved Feb. 1st, 1834, so that any execution debtor who has a family, shall have ten sheep and the wool thereof, and also an additional bed and bedding, exempt from execution, in addition to the amount of fifty dollars now exempted from execution, have had that subject under their consideration, and a majority of said committee have directed me to report, that they deem it inexpedient to legislate further upon that subject at this time, and ask to be discharged from the further consideration thereof;

Which was read, when

Mr. Kelso moved to recommit the same to a select committee;

Which motion was decided in the negative.

Said report was then concurred in by the House.

Mr. Newman, from the Judiciary Committee, to which was referred a resolution directing an inquiry into the constitutionality of a certain act therein named, reported a bill

(No. 55,) to repeal a certain law therein named;

Which was read the first time and passed to a second reading.

Mr. Hoagland, from the committee on roads, to which was referred a petition of Kearns Collings and others, on that subject, reported

A bill, (No. 56,) to locate a state road from Slatford to Jeffersonville;

Which was read the first time and passed to a second reading.

Mr. Chapman, from the select committee to which was committed the Bill (No. 22,) for the formation of the county of ———, and for other purposes, reported the same with one amendment; which was read.

On motion of Mr. Bigger, the same was amended by inserting before the word "honorable," the word "late."

Said amendment as amended was then concurred in.

Ordered, That said amendment be engrossed and the bill read a third time on Monday next.

Mr. Lowe, from the select committee to which was committed the bill (No. 35) for the relief of John G. Davis, reported the same with one amendment;

Which was read and concurred in.

Ordered, That it be engrossed and the bill read a third time on Monday next.

On motion of Mr. Liston,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law regulating public ferries, as to make it the duty of every licensed ferry-keeper, to reside within the county or counties within which such ferries are established; and also that said committee do enquire into the expediency of reporting a bill to prevent the transfer or sale of any ferry license whatever, the same as store and tavern licenses are regulated.

On motion of Mr. Johnson of F.,

Resolved, That the Committee on the Judiciary be instructed to inquire whether so much of the act entitled, "an act regulating the jurisdiction and duties of Justices of the Peace," approved Feb. 10th, 1831, as enacts, that in prosecutions before Justices of the Peace, for an assault and battery, affray or other breach of the peace, if the defendant shall be found guilty, the fine shall not be less than one dollar nor more than twenty dollars, is unconstitutional; and if so, to report a bill amending said part of said act.

On motion of Mr. Smith of F.,

Resolved, That when this House next adjourns, it will adjourn to meet on Monday next.

On motion of Mr. Cook,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the act entitled "an act to amend an act entitled 'an act regulating the interest of money,'" approved, February 2, 1833, as to make six per cent. the legal interest on money when no contract is specially made between the parties; and that the said committee do take further into consideration the propriety of repealing so much of said act as subjects any person receiving more than six per cent. to indictment, where the contract was specially made for more, even to any amount; with leave to report by bill or otherwise.

On motion of Mr. Brett,

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of so amending the 50th section of the revenue law, as to authorize the granting of licenses to vend foreign merchandize on capitals of \$500 and under, at five dollars; with leave to report by bill or otherwise.

On motion of Mr. Torbet,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law that when any note, bond or obligation shall express on its face at the time of making such note, bond or obligation, that there shall be no stay of execution, the judgment shall issue without stay, in pursuance of such contract, and no stay of execution shall be had; subject however, to appeal, as in other cases; with leave to report by bill or otherwise.

On motion of Mr. Kilgore,

Ordered, That Mr. Hannaman have leave of absence from the service of the House, until Monday next.

On motion of Mr. Shaw,

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of limiting ferry privileges in the State of Indiana, exclusively to the citizens of said State.

Mr. Lockhart, from the select committee to which was rererred a petition on that subject, (after having obtained leave,) reported

A bill (No. 57,) to locate a state road from Corydon to Livonia; Which was read the first time and passed to a second reading.

On motion of Mr. Rockhill,

Resolved, That the Committee on Canals and Internal Improvements be instructed to inquire into the expediency of so amending the act, approved January 28, 1830, as relates to prohibiting the Canal Commissioners and all other persons acting under their authority, from purchasing more than 320 acres of canal land; with leave to report by bill or otherwise.

Mr. Chapman moved the following resolution:

Resolved, That the Committee of Ways and Means inquire into the propriety and expediency of prohibiting the retail of all spiritous and intoxicating liquors by a less quantity than a quart, and of repealing the law granting licenses to retailers of spiritous liquors; and report by bill or otherwise.

Mr. Ray moved to amend the resolution by excepting "tavern keepers," from the prohibition against retailing.

Mr. Bigger moved to amend the amendment by including "grocery keepers" in the exception.

A motion was made by Mr. Smith of R., to lay the resolution and proposed amendments on the table;

Which motion was lost.

And on the question to amend the amendment as proposed by Mr. Bigger,

It passed in the affirmative.

On motion of Mr. Evans, the said amendment was further amended

by including in the exception "all other persons who may wish to retail liquors."

Mr. Vandever moved to lay the resolution and pending amendment on the table;

Which motion did not prevail.

Mr. Stanford moved that they be indefinitely postponed.

Which motion was decided in the negative.

The question recurring on the amendment proposed by Mr. Ray, as amended,

It passed in the affirmative.

And the said resolution, as amended, was then agreed to by the House.

Mr. Moore moved the following resolution, which was read and laid on the table, to wit:

Resolved, That the committee of Ways and Means be instructed to inquire into the expediency of reducing the number of Journals printed to 250, and make it the duty of the Secretary of State to direct one to be deposited in each of the clerk's offices in this State, and one to each member of this House—with leave to report by bill or otherwise.

A motion was made by Mr. Evans, to re-consider the vote this day given, on adopting the resolution moved by Mr. Chapman, on the subject of retailers of spiritous liquors;

Which motion was decided in the negative.

Mr. Hardesty moved the following resolution:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending the 45th section of the law regulating the jurisdiction and duties of justices of the peace, approved Feb. 10, 1831, so as to require constables to take stay bonds upon serving a summons or execution, with leave to report by bill or otherwise.

On motion of Mr. Bigger,

The words "or summons," were stricken out of said resolution.

On motion of Mr. Johnston of F.,

The resolution was further amended, by adding to it the following clause—

"And to authorize constables to take special bail upon service of writs of *capias ad respondendum*."

And as amended, the said resolution was agreed to by the House.

On motion of Mr. Phelps,

Resolved, That the Judiciary committee be instructed to inquire into the expediency and constitutionality of a law authorizing slopes to be built on the dams which are built across streams declared navigable by the laws of this State, and on which public monies have been expended for improving the navigation of the same.

Mr. Kilgore moved the following resolution:

Resolved, That the committee on the Judiciary be instructed to inquire into the propriety of allowing justices of the peace to hand over

to their successor a certified transcript of their docket, instead of their docket, &c.;

Which was read, and on the question to adopt the same, it was decided in the negative.

Mr. Kelso moved the following resolution:

Resolved, That the Judiciary committee be instructed to inquire into the expediency of allowing justices of the peace mileage for carrying their dockets to the circuit courts, to be cited as evidence, with leave to report by bill or otherwise.

Mr. Evens moved to amend the same by striking out all after the words, "mileage for," and substituting in lieu thereof, the following—"carrying a list of fines and criminal prosecutions to the clerk's office."

Which motion did not prevail.

The question was then put, shall said resolution be adopted?

And decided in the negative.

On motion of Mr. Newman,

Resolved, That the committee on the Judiciary be directed to inquire and report to this House, whether in their opinion, the common law in relation to crime and punishment, is in force in this State, and if it is their opinion that the common law in relation thereto is in force in this State, that they inquire into the expediency of repealing the same—and further, that said committee inquire into the expediency of repealing the 89th section of the act relative to crime and punishment, approved Feb. 10, 1831, or of providing by law some other mode of ascertaining the fact of the escape of a prisoner from the State prison, and providing a judicial trial and sentence of a competent court for such escape.

On motion of Mr. Wilson of P.,

Resolved, That the committee on Roads inquire into the expediency of amending the road law so as to make it the duty of the board doing county business, to cause all the county roads that have been or may be located according to law, to be opened at least forty feet and put in good repair; and report by bill or otherwise.

Mr. Shaw, after having obtained leave, presented a bill, (No. 58,) to amend an act entitled an act to subject real and personal estate to execution, approved Feb. 4, 1831;

Which was twice read, (the rules of the House having first been dispensed with,) and,

On motion of Mr. Leslie,

Committed to a committee of the whole House, for Monday next.

Mr. Kilgore, after having obtained leave, presented a bill, (No. 59,) to amend an act entitled an act organizing the supreme court, and defining its powers and duties, approved Jan. 17, 1831;

Which was read the first time and passed to a second reading.

And then the House adjourned until Monday morning at 9 o'clock.

MONDAY MORNING, DEC. 15, 1834.

The House met pursuant to adjournment.

Mr. Stafford, who heretofore had leave of absence, appeared and resumed his seat.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

I am instructed by the Senate to inform the House of Representatives that they have made the following amendments to the Joint Rules adopted for the government of the present General Assembly, viz:

First amendment.

Add, as Joint Rule No. 11, the following:

11. When a message shall be sent to the House of Representatives it shall be announced at the door of the House by the door-keeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

Second amendment.

12. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Senate.

Third amendment.

13. No bill that shall have passed one House shall be sent for concurrence to the other on the last day of the session.

The Senate has passed bills of the House entitled as follows, to-wit:

No. 3. An act to legalize the sales of a certain school section therein named;

No. 6. An act for the relief of John Peffly, a purchaser of School Lands in the county of Montgomery;

No. 33. An act to change the time of holding the Probate Court in the county of Delaware, without amendment.

Also, (No. 6.) an engrossed bill of the Senate, entitled

An act for the organization of Wabash county; and

No. 11. A memorial and joint resolution of the Legislature of Indiana on the subject of National Hospitals;

In which bill and joint resolution of the Senate the concurrence of the House of Representatives is requested.

The engrossed bill (No. 6,) named in said message was read the first time, and passed to a second reading.

The memorial and joint resolution, (No. 11,) named in said message, was three times read (the rules of the House having first been dispensed with,) and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Angle moved that the House concur in the amendments made to the Joint Rules of the two Houses, communicated by the Senate in said message—when,

On motion of Mr. Stanford, the same was laid on the table.

Mr. Walker presented a petition of William Israel and others, praying for a state road from the mouth of Hogan creek, to intersect a state

road leading from Lawrenceburgh to Napoleon, at a point in Manchester township in Dearborn county;

Which was read and referred to the committee on Roads.

Mr. Bell presented a petition of Ezekiel Morgan and others praying a change in the road leading from Greenfield to Middletown;

Which was read and laid on the table.

Mr. Stanford presented a petition of Isaac Kimball and others, citizens of the counties of Henry and Dearborn, praying a change in the economy of the Indiana College;

Which was read and referred to the committee on Education.

Mr. Schooling presented a petition of James Andrews and others, praying a change in the law regulating the jurisdiction and duties of Justices of the Peace;

Which was read and laid on the table.

Mr. Nave made the following report:

The Judiciary committee, to whom was referred a resolution of this House instructing them to inquire into the expediency of so amending the act prescribing the mode of changing the venue, so as to allow a change of venue to be taken in any criminal case under such regulations as is provided in civil cases, have had that subject under consideration, and have directed me to report that it is inexpedient to make the provision by law contemplated by said resolution, and ask to be discharged from the further consideration thereof;

Which was read, when

Mr. Kilgore moved to re-commit it to a select committee, with instructions to report a bill in accordance with the resolution;

Which motion was decided in the negative.

The question was then put on concurring in said report,

And passed in the affirmative.

Mr. Johnston of F. made the following report, which was read and concurred in by the House.

The Judiciary committee, to whom was referred the resolution of this House, instructing them to inquire into the expediency of so amending the 76th section of the law regulating the jurisdiction and duties of Justices of the Peace, approved February 10, 1831, so as to enable any person, who may have appealed from the judgment of any Justice of the Peace on good cause shown to the Circuit Court of the proper county, by affidavit or otherwise, to file his appeal papers, although such appeal papers may have been taken more than twenty days before the time of filing, have, according to order, had the same under consideration, and have directed me to report that it is inexpedient to legislate upon that subject at this time, and ask to be discharged from the further consideration thereof.

Mr. Dunning made the following report:

The Judiciary committee to which was referred a resolution of this House directing them to enquire into the expediency of amending the act providing for the appointment of county surveyors and their deputies, approved February 4, 1834, have had that subject under consideration, and a majority of said committee have instructed me to re-

port that it is inexpedient to legislate upon that subject at this time, and ask to be discharged from the further consideration of the same;

Which was read and concurred in.

Mr. Newman, from the Judiciary committee, to which was referred a resolution on that subject, reported

A joint resolution (No. 60) relative to the printing of the laws of the United States on the subject of the Public Lands;

Which was read the first time and passed to a second reading.

Mr. Shaw, from the Judiciary committee, to which was referred a resolution on that subject, reported

A bill (No. 61) to repeal a part of an act supplemental to an act incorporating the borough of Vincennes, approved Jan. 27, 1834;

Which was read the first time and passed to a second reading.

Mr. Smith of F. made the following report, which was read and concurred in.

The committee on the Judiciary, to whom was referred a resolution instructing them to enquire into the expediency of so amending the law regulating the jurisdiction and duties of Justices of the Peace as to prevent either a plaintiff or defendant from testifying to his own account, claim, or demand, in any case in which he may be called upon by the opposite party to deny under oath the matter which may be alleged against him, have had that subject under consideration, and have directed me to report that they deem it inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

Mr. Bryan, from the committee on Education, to which was referred a resolution on that subject, reported

A bill (No. 62) to amend an act entitled an act for the encouragement of education, approved Feb. 2, 1833;

Which was read the first time and passed to a second reading.

Mr. Liston, from the committee on Roads to which was referred a petition on that subject, reported

A bill (No. 63) to locate a state road from the north line of the state of Indiana in the direction of Chicago;

Which was read the first time and passed to a second reading.

Mr. Wallace, from the committee on the State Bank, made the following report:

MR. SPEAKER—

The Committee on the State Bank, to which was referred a resolution of this House, directing them to "inquire into the probable expense of the organization of the State Bank and Branches, including house rent, books, stationary, and the salaries of the several officers, &c.

Report, that in accordance with the requirements of the above resolution, they addressed a note to James M. Ray, Esq., Cashier of the State Bank, requesting him to furnish the desired information; Mr. Ray promptly furnished the Committee with all the information in his pos-

session, together with a copy of the by-laws, adopted for the government of the Institution, and the form of Branch reports.

All of which is respectfully submitted,

JAMES H. WALLACE,

Chairman Bank Committee.

OFFICE OF THE STATE BANK, }
Indianapolis, Dec. 12, 1834. }

JAMES H. WALLACE, Esq.,

Chairman of Committee of

House of Representatives on State Bank:

SIR—In compliance with your note received this morning, please receive subjoined, a statement of the expenses, (so far as yet ascertained,) of the organization of the State Bank and Branches, &c.

Respectfully yours,

JAMES M. RAY,

Cashier State Bank.

General Expenses allowed November Session, 1834.

For Commissioners for receiving subscriptions of stock, (being at the rate of fifty dollars each,) and Stationary, &c. thirty in all - - - - -	\$1,542 19
For eight printing accounts of notices of Subscription of Stock - - - - -	65 30
For allowance to President for services, and all personal expenses, from February 13, 1834, to Nov. 21, 1834, at one thousand dollars per year - - -	769 86
For allowance to Cashier, for services and all personal expenses, including bringing on three hundred thousand dollars of Bank paper, from Feb. 13, 1834, to Nov. 21, at eight hundred dollars per year - - - - -	615 89
For Iron Chest for State Bank - - - - -	156 00
For Books for State Bank, printed reports for Branches, (Ronalds' account) - - - - -	173 34
For Bicknell's Gold Charts, additional Books, &c. - - -	19 82
For Shears and Gold Test for each Branch - - -	45 00
For ten complete sets of Books for each Branch, (Desilver & Thomas' account,) two hundred and one dollars and eighty cents each - - - - -	2,018 00
For ten bills of Check Hammers, and sundries for Branches - - - - -	99 00
For allowances made to Cashier pro tem. - - -	24 00
For Douglass & Maguire's printing account, (including Index to Charter) - - - - -	18 00
For John Cain's acc't for Books and Postage, &c. - - -	31 68
For Morrison & Bolton's account for Printing - - -	15 00
For freight and carriage paid, and sundries, (as per J. M. Moore & Co's account) - - - - -	87 62
For services and mileage of Robert Morrison, State Director, to November 22, 1834 - - - - -	108 00
For services and mileage of Lucius H. Scott, State Director to November 22, 1834 - - - - -	110 16
For services and mileage of Seton W. Norris, State Director, to November 22, 1834 - - - - -	48 00
For services of Calvin Fletcher, State Director to Nov. 20, 1834 - - - - -	42 00
General Expenses - - - - -	<u>\$5,988 86</u>

To each Branch except Madison, add
 For one set of Gold Scales and box, per Bicknell's Account, one hundred and forty dollars—which added to five hundred and ninety-eight dollars and

eighty-nine cents—their portion of general allowance, makes the total charge against each Branch so far as ascertained, of organizing State Bank and Branches

\$ 614 45

— and amount charged to Madison Branch, in which no gold scales were required

598 89

It will be observed, that the preceding apportionment does not include the account of the engraved plates, or striking the Bank paper, the account of which is not yet rendered, the work being still in progress. The estimated expense of which, however, for the amount authorized in first installment, say one million six hundred and fifty thousand dollars, is three thousand four hundred and eighty-four dollars and thirty-seven hundredths; being to each Branch, three hundred forty-eight dollars forty-three and seven-tenth cents, and, which added to

614 45

348 43

Makes the amount estimated to each

\$ 962 88

Sundry accounts, yet to be rendered, for publishing notices for the subscription of stock, as required by the Charter,—for expenses of striking and bringing on Bank Paper, &c., will form the principal addition to the general expense to be made.

The separate expenditures at the Branches, for Banking Houses, Vaults, &c.—and the salaries of their Officers, have not yet been communicated to this office.

In reference to the remaining subjects of inquiry:

The State Bank has rented an office, the use of vault, &c., at per annum

\$100 00

The salary of the President, from Nov. 21, 1834, is fixed at per annum

1,200 00

The salary of the Cashier, from Nov. 21, 1834, is fixed at per annum

1,000 00

The State Directors in the Board of the State Bank are allowed three dollars per day—at which rate, if but the Quarterly Sessions are held, and six days at each, it is per annum

288 00

For their mileage, (three dollars for every twenty-five miles,) say

150 00

\$2,738 00

For regular expenses of State Bank, two hundred and seventy-three dollars and eighty hundredths to each Branch per annum, would be - - - -

\$2,738 00

The contingent expenditures will be, postage, stationary, printing, costs of examinations, as required by charter, extra sessions, &c. &c. &c., of which an estimate cannot definitely be made in advance.

The members of the Directory of the State Bank, appointed by the Branches, are paid by them severally.

Herewith are transmitted forms of the Report required to be made every week, from each Branch to the State Bank, and the By-laws adopted for their government; and it would probably be satisfactory to the Committee to inspect the system adopted, and books prepared for the showing in the State Bank at all times, the operations of each Branch, for requiring safe data upon which to declare the semi-annual dividends for each Branch by the State Bank, and keeping constantly in view the business and condition of the Branches, as required by the Charter.

Books have also been procured for all the operations of the Board of Commissioners of the Sinking Fund, including registry of Loans, application of Dividends, &c. &c.; for which, and other expenditures chargeable to said Fund, the following are the allowances made by the said Board of Commissioners:—

For Books, Registers, &c. (T. A. Ronald's bill) - -	\$65 00
For transportation of same - - - - -	3 00
For transporting eighty thousand dollars specie from Cincinnati to Indianapolis - - - - -	84 00
For services of an Agent in superintending same - -	35 87 $\frac{1}{2}$
For services and expenses of Jeremiah Sullivan, as a Canal Fund Commissioner, in regard to the State Loan for her Bank Stock - - - - -	299 34 $\frac{3}{4}$

\$487 22 $\frac{1}{2}$

The Premium on the State Loan for her first Instal- ment, was - - - - -	5,250 00
From the Loan was deducted for interest on pay- ments made in advance - - - - -	403 08

Which, if computed against the premium, leaves - - \$4,846 92

Of which amount, (allowances having been made by the State Bank, for the expenditures incurred on account of the Bank, &c.) there has been deposited in the Branch at Indianapolis, to the credit of the Commissioners of the Sinking Fund, but subject to the above allowances of four hundred

eighty-seven dollars and twenty-two and a quarter cents	3,371 40
Leaving of said Premium account, amount not yet closed	\$1,475 52

The accounts of the remaining Commissioners of the Canal Fund, for services and expenditures, on account of the State Stock Loan, were not laid before the Directors of the State Bank at its late session, and the amount thereof is not yet known; nor the cost of the transportation of the rest of the State specie from Cincinnati and Louisville, to the different Branches.

It may be proper to add, that means have been procured by the President of the Board of Commissioners of the Sinking Fund to meet the payment of the interest on the State Loan, for her Bank Stock falling due, Jan. 1, 1835, and forwarded to the Merchants' Bank of New York; where, by arrangement, the interest will be applied to the bonds given, without charge to the State; which first payment has been provided for, by a draft procured from the Canal Fund Commissioners; and for so much of which, as there may not remain means in the Sinking Fund, to pay, an arrangement has been made for a Loan to said Fund, from the Branch Bank at Indianapolis.

JAMES M. RAY,
Cashier State Bank.

By-laws, &c. for the government of the Branches of the State Bank of Indiana.

I. Thirty days notice shall be given by the cashier of each branch, in the newspapers published in the town where a branch is located; or if there be no paper issued there, then in the newspaper published nearest thereto in the district, of an annual meeting of the stockholders of the branch for all future elections of directors on the part of the stockholders; and within one week preceding the same, the branch directors for the time being shall appoint, by ballot, three stockholders, not being directors, to be the judges of the election, who shall conduct and regulate the same; and which general meeting and election shall be held on the first Monday in November, between the hours of 10 and 6 o'clock, at such place as may be directed by the branch directors; of which election a certificate shall on the day thereof be transmitted by the judges to the cashier of the State bank, and the cashier of the proper branch; and the branch cashier shall forthwith give notice to all of said directors to meet at the office of the bank on the evening of the next day at 6 o'clock P. M. for the purpose of choosing their president and a director of the State bank. And after such organization of the new board, a list of its officers shall be forthwith transmitted to the cashier of the State bank.

II. The form of reports and rendering branch accounts to the State

bank, shall be prescribed by the State bank; and each branch shall once in every week make out and transmit to the directors of the State bank a distinct abstract of the state of each branch, showing distinctly the debts and credits of the branch, comprising all its means and liabilities, and specifying of the cash in hand, how much is in specie, and how much in the several kinds of bank notes, and distinguishing the notes of the respective branches of the State bank of Indiana; and also their own notes in circulation; and exhibiting the result of its business, and carefully returning a statement of all notes transmitted to any branch, and acknowledging all received; and also all such other matters as are required by law to be reported.

- III. A summary pay list of notes and bills discounted and receivable of every description, at each branch, shall be transmitted to the directors of the State bank every three months, commencing with the first on the first day in February next, which shall be signed by the cashier of such branch.
- IV. A committee on the state of the bank shall be appointed by ballot by the directors of each branch and of their own body, every three months, whose duty it shall be to examine and count the discounted notes and bills of exchange, and compare the amount thereof with the balances of those items in the general ledger; they shall also count the cash and the bank paper in the possession of the cashier, examine the evidences of the debts and property of the bank, and make an inventory thereof, showing the present value only of the property; and such examination shall be submitted in a detailed report to the board of directors of the State bank at the same date that each pay list is transmitted, and bearing the same date, and it shall be signed by such committee, and countersigned by the president and cashier.
- V. A trial balance sheet shall be struck from the books of each branch during the first week of every month, which shall exhibit all the balances in the ledgers of the branch into two amounts of Dr. and Cr., and which shall be laid before the board of branch directors at its next meeting; and a balance shall be struck of the account of each individual dealing in a branch, in the ledger, and on his pass book every three months, and the checks cancelled.
- VI. The books and accounts of each branch shall be regularly balanced on the first day of May and the first day of November in each year—at which time each cashier shall specify, opposite each debt set forth in the accompanying pay list, how such debt stands suspended, if it has overrun its time without payment; whether on protest and suit; and what portion of the debts, either due or accruing, may be deemed *lost*, and what portion doubtful.
- VII. All notes, when issued at the branches, shall be delivered to their respective cashier, who shall give duplicate receipts for the same; one of which is to be lodged with the president of the branch, and the other transmitted to the office of the State bank.
- VIII. All notes which shall become unfit for circulation shall be with-

drawn from use by the president and directors of the branch issuing them, and at a convenient time, transmitted to the cashier of the State bank, who shall cause said branch to be credited with the same.

- IX. The regulation of the dividends of profits, payment thereof, and the creating the surplus fund, and the permanent fund, and stating the same, shall be prescribed by the directors of the State bank; except so far as may fall within the duties of the commissioners of the sinking fund.
- X. If any bill or note belonging to any branch, shall not be paid before the shutting of such branch on the last day of grace, each such bill or note shall be forthwith protested.
- XI. A statement of the funds and situation of each branch, exhibiting fully its *present* means of meeting all *possibly present* demands shall be laid before the board of such branch every discount day, together with the name of every person who shall have overdrawn the bank since last discount day.
- XII. Free, and immediate access shall be given at each branch, to any inspector appointed by the State bank to examine the condition of such branch, as well as all the books, papers, documents, and minutes of such branch, as to the cash on hand of every description; and every information required by such inspector, appertaining to any portion whatever of the business of said branch shall be promptly furnished, either verbally or in writing, as he may require, of any officer or servant of said bank who may be called upon.
- XIII. Where any branch shall desire a return of paper to be made with other branches at any quarterly meeting of the directors of the State bank at Indianapolis, such branch shall, in its previous monthly report, notify the branches with which such return is required, and each such branch shall furnish some suitable agent to attend at the parent board with funds at par in Cincinnati or at Louisville, to pay any balance that may exist when such paper is exchanged, which balance shall be paid accordingly. Whenever, on the first Monday of any month, except as above provided for, any branch shall have on hand \$2000 or upwards, of the paper of another branch, and shall be desirous of having the same redeemed, the cashier shall seal it up in an envelope marked with amount, date of enveloping, and the name of the branch from which issued. And on the day of putting up the same, shall by letter through the mail, advise the debtor branch of the circumstance, and unless payment be made within thirty days at the counter of the branch claiming such payment in the funds as before provided, or unless an equal amount of the paper of such branch be sealed up as aforesaid within five days after such notice is received, such branch shall pay interest on the balance in paper existing between such branches until the same be paid; which, unless otherwise done, shall be made at its quarterly meeting, as before provided.

- XIV. Settlements shall take place between every branch as often as either may desire it, and at least every three months, but each branch may draw on any other branch at any time for an evident balance in its favor. To keep manifest the mutual accounts, a pass book shall be kept between every two branches, which shall from time to time be written up from the ledger account by whichever branch has it, and forwarded to the other branch for examination and correction of accounts: and whenever, by such mutual comparison of book and accounts, a difference is found to exist, arising from any disputed claim or demand of one of the branches against the other, such claim or demand shall by such branches be submitted to and decided upon by such of the board of directors of the State bank as are not interested in either such branch, who shall determine thereupon, or shall refer such claim or demand to such person or tribunal as they may select, and the decision in either case made, shall be conclusive between such branches, and shall be carried into effect by said State bank.
- XV. Drafts shall be made by the President of the State bank, attested by the cashier, on the branches for their respective portions of the salaries of officers of the State bank, and all other general expenses allowed by its board and which shall usually be made through the branch bank at Indianapolis: and it shall be the duty of the cashier of the State bank, at the close of every session of the board of directors, to apportion, according to the amount of stock in each, among the several branches, the allowances made at said session against the branches, entering the same and such apportionment in the expense book. And for salaries of officers of the State bank at any time falling due in vacation, and for contingent expenses in vacation, not exceeding in amount in any vacation \$300—a similar apportionment shall in vacation be made thereof among the branches, and a draft or drafts thereupon may be made by the president and attested by the cashier of the State bank therefor, through the Indianapolis branch or otherwise; all of which drafts so made and attested, shall be duly honored by such branches, respectively, and a record of them shall be kept at the State bank.
- XVI. Semi-annual dividends shall be declared by the president and directors of the State bank, of the profits in each branch, up to the first days in May and November, reserving the surplus and permanent fund.
- XVII. Transfers of stock shall not be suspended preparatory to dividends, but the dividend shall be payable to the holders of the stock on the Monday one month previous to the day on which the dividends shall be declared; an assignment of the stock after the said Monday shall not carry the dividend thence next so declared, unless so expressed in such assignment; and there shall be transmitted to the office of the State bank on the first Monday of April and October, a list of all transfers made in the branches of stock during the last six months,

- XVIII. If any certificate of stock shall be lost, the stockholder to whom the certificate was granted, may, on application to the directors of the proper branch, and on compliance with such terms as they may require, receive another certificate.
- XIX. The president shall, either in person, or shall appoint one or more of the directors semi-annually to visit and inspect the condition and affairs of each branch, as provided for in the act establishing a State bank; and such examination may also be made at any other time by or under the direction of the president, or of the directors of the State bank in session: and such examiner shall inquire of the cashier and other officers of the branch, under oath, into the solvency and sufficiency of each of the drawers and endorsers of all notes and bills discounted by such branch; the result of which examination, and such other matters as shall be important to the interests of the State, and the State bank shall be reported by such examiner to the State bank without delay.
- XX. A copy of these by-laws shall be spread at length on the records of each branch, when received.
- XXI. The quarterly meetings of the directors of the State bank shall be the second Mondays of February, May, August, and November in each year; and the semi-annual dividends shall be declared at the sessions of May and November.

Which was read, and

On motion of Mr. Wallace,

Ordered, That 1000 copies thereof be printed for the use of the members of this House.

Mr. Evans, from the select committee to which was referred a petition of Henry D. Bell and others on that subject, reported

A bill (No. 64) to attach certain territory to the county of Warren, and for other purposes:

Which was twice read, (the rules of the House having first been dispensed with,) and

On motion of Mr. Carter of C., amended so as to carry the western limit of the part so attached to the line between ranges 7 and 8, instead of that between ranges 6 and 7.

Said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Davis, from the select committee to which was referred a petition of James H. Stewart and others on that subject, reported

A bill (No. 65) to amend the act entitled an act to provide for draining the swamps, ponds, marshes, and other low lands within the counties of Tippecanoe, Montgomery, Clinton, and Warren;

Which was read the first time, and passed to a second reading.

Mr. Marshall, from the select committee to which was referred a petition on that subject, reported

A bill (No. 66) to authorize the President and Directors of the Far-

mers' and Mechanics' Bank of Indiana to collect their debts for a period therein named;

Which was three times read, (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled 'an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Carter of O., from the select committee to which was committed the bill (No. 47) to amend an act entitled an act to amend an act to provide for the sale of certain lands therein named, approved January 24, 1834, reported the same with one amendment;

Which was read, and

On motion of Mr. Stanford, so amended as to direct the lines of said land to be run east and west parallel with the section lines, instead of due east and west.

Mr. Conwell moved further to amend the same by adding to the 2d section the following proviso:

"*Provided*, That no individual shall be permitted to enter a forty acre tract who may have entered such a tract under the General Government," When;

On motion of Mr. Stanford, the same was re-committed to the same select committee who reported it.

And then the House adjourned, until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

Mr. Hannaman, who heretofore had leave of absence, appeared and resumed his seat.

On motion of Mr. Howell,

Resolved, That the Committee on the Judiciary be instructed to inquire, if any, and if any, what amendments are necessary to the 2d section of an act concerning free negroes and mulattoes, approved February 10, 1831, and report by bill or otherwise.

On motion of Mr. Brackenridge,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency and propriety of amending an act relative to crime and punishment, so as to provide for the punishment of certain offences therein not provided for; and that they have leave to report by bill or otherwise.

On motion of Mr. Thompson,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending an act entitled an act regulating the practice in suits at law, approved January 29, 1831, that under a plea denying the taking or detension of the property claimed in an action of replevin the defendant may give evidence after notice of any matters which, if properly pleaded by avowry, cognizance, or plea, would be a bar to the action in the same manner, and with the like effect, as if the same had been so pleaded; with leave to report by bill or otherwise.

On motion of Mr. Brett,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law relative to sheriff's sales on execution, as to confine such sales to the first Saturday in each month; with leave to report by bill or otherwise.

Mr. Nave moved the following resolution:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending an act entitled an act regulating the duties and jurisdiction of Justices of the Peace, approved February 10, 1831, so as to allow either plaintiff or defendant, in all suits tried before Justices of the Peace, the writs of *certiorari* and *supersedeas* by the party praying the same, setting forth and shewing to the court upon oath that the judgment of the Justice of the Peace was not the result of negligence on his part, and that the judgment in his opinion is unjust and erroneous; setting forth wherein the injustice and error consist, and that it was not in his power to take an appeal in the ordinary way, and also setting forth the particular circumstances which prevented him from so doing; and report by bill or otherwise;

Which was read, and, on the question to adopt the same,

It was decided in the negative.

On motion of Mr. Bigger,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of providing by law for the collection of debts contracted by persons sentenced to the state prison previous to conviction, but which are not due, or have not been collected prior thereto; with leave to report by bill or otherwise.

On motion of Mr. Crume,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the law regulating the duties of the boards doing county business, as to authorize said board to sit five days at each term, if the business before such board require it.

On motion of Mr. Evans,

Resolved, That, in the event of the south side of the Wabash river, from Logansport down, being adopted by the Legislature as the route for that part of the Wabash and Erie Canal, the committee on Canals and Internal Improvements be instructed to inquire into the expediency of providing for a survey of a canal route from the present termination of said canal down the said river to Terre Haute with an eye to the ultimate extension of said Wabash and Erie Canal; and that said committee report by bill or otherwise.

On motion of Mr. Green,

Resolved, That the committee on Canals and Internal Improvements inquire into the expediency of employing a skilful engineer to make a survey of a suitable route for a canal from White river at or near its junction with the Wabash, or from the Wabash at that point or near thereto, to the Ohio river at or near Mount Vernon, in continuation of the survey of a route for a canal from Muncietown to the mouth of White river, or separate therefrom, as shall be most advisable—said

engineer to report the practicability and cost of such work; with leave to report by bill or otherwise.

On motion of Mr. Green,

Resolved, That the Committee on Canals and Internal Improvements inquire into the expediency of employing an engineer to mark and survey a route for a canal from some point on the Wabash river, between New Harmony and the grand chain in the Wabash to the Ohio river at or near Mount Vernon, and said engineer to report the practicability and cost of such work, with leave to report by bill or otherwise.

On motion of Mr. Chapman, the four several petitions presented by him and laid on the table on the 13th inst. on the subject of a change in the boundaries, and a removal of the seat of justice of Lagrange county, were taken up, and referred to the Committee of Ways and Means.

On motion of Mr. Green,

Resolved, That the Committee on the Judiciary be directed to inquire into the expediency of so amending the act relative to crime and punishment, as to provide for the punishment of all persons who shall aid or assist any person confined in prison, to escape, by furnishing tools or implements to such person to break jail; with leave to report by bill or otherwise.

On motion of Mr. Hardesty,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of authorizing the Sheriffs of the proper county to take recognizances without any writ of *habeas corpus*, of any person or persons committed to the prison of his county, by any Justice of the Peace or Associate Judge, on a criminal charge or complaint, to keep the peace, conditioned for the appearance of such person on the first day of the next term of the Circuit Court of the proper county, to answer said charge, with leave to report by bill or otherwise.

Mr. McDougale, after having obtained leave, presented

A bill (No. 67) to establish a rolling penitentiary;

Which was twice read, (the rules of the House having been dispensed with,) when

A motion was made by Mr. Smith of F., that it be committed to the Committee on Canals and Internal Improvements.

Mr. Evans moved to amend said motion by directing the reference to a committee of the whole House for this day now;

Which amendment prevailed,

And the bill was so committed.

The House then resolved itself into a committee of the whole on said bill, and after some time spent therein, the Speaker resumed the chair, the committee by Mr. Bennet their chairman, reported progress and asked leave to sit again;

Which leave the House refused, and so said committee were discharged from the further consideration thereof, and

On motion of Mr. Smith of F., it was therefore

Ordered, That said bill be indefinitely postponed.

Mr. Carter of O., from the select committee to which was recommended the bill (No. 47,) to amend the act entitled "an act to amend an

act to provide for the sale of certain lands therein named," approved January 24, 1834, and the report of the same select committee upon said bill, reported the bill with the same amendment heretofore reported by that committee;

Which amendment was read and concurred in by the House.

The said bill was then read the third time and passed.

On motion of Mr. Carter of O., the title thereof was amended so as to read "a bill further to amend an act entitled 'an act to provide for the sale of certain lands therein named,'" approved February 2, 1833.

Ordered, That said bill be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

Mr. Smith of F., after having obtained leave, presented

A bill (No. 68,) to amend an act entitled "an act for the relief of the securities of certain officers," approved February 1, 1834;

Which was read the first time and passed to a second reading.

Mr. Woodruff, after having obtained leave, presented

A bill (No. 69,) to authorize the District Trustees of the Edinburgh school district in congressional Township No. 11, north of Range No. 5 East, in Johnson county, to appropriate \$ 50 to the building of a school house in said district;

Which was read the first time and passed to a second reading.

Mr. Armstrong, after having obtained leave, presented

A bill (No. 70,) to amend an act entitled "an act regulating the taking up of animals going astray and water craft and other articles of value adrift," approved February 9, 1831;

Which was read the first time and passed to a second reading.

On motion of Mr. Bigger, (the previous orders of the day being for the present postponed,) the committee of the whole House to which was committed the bill (No. 26,) to amend an act entitled "an act for opening and repairing public roads and highways," approved February 10, 1831, were discharged from the further consideration thereof.

Said bill was then recommitted to the same committee of the whole House to which is committed the bill (No. 17,) to provide for opening and repairing public roads and highways in the several counties in this State.

On motion of Mr. Wallace, (the several orders of the day which precede these bills being for that purpose postponed,)

The House resolved itself into a committee of the whole on said bills, and after some time spent therein, the Speaker resumed the chair, and Mr. Bigger, as to the last named bill (No. 17,) reported progress and asked leave to sit again. And as to the other bill (No. 26,) reported the same without amendment.

And the question being put, shall the committee have leave to sit again?

It was decided in the negative.

Mr. Kelso moved that said bill (No. 17,) be recommitted to the Committee on roads, with instructions to insert the following section:

"Sec. That it shall be the duty of the Supervisor of each district, to cause to be worked out upon the roads and highways in his

district, a proportion of all the work due, equal to two days for each hand liable to work on said roads, on or before the first day of August annually, and that all the remainder of the work due, shall be done on or before the first day of October annually."

On motion of Mr. Bryan, said proposed instructions were amended, so as to provide "that each person work three days and no more, for personal privileges; each person owning land, one day in addition for each hundred acres of land, and in like proportion for a less number of acres."

On motion of Mr. Conwell, said instructions were further amended by directing the committee to insert the following provision:

"That each person be required to work three days, and that a tax be assessed on each person equal to his state tax, to be applied to the roads by the Supervisor, in the proper road district, and to provide the means of collecting and applying the same."

Mr. Leslie moved to lay said bill and motion to recommit, on the table;

Which motion was decided in the negative.

Mr. Evans moved to postpone the further consideration of said bill and motion to recommit, indefinitely;

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bennett, Bigger, Bower, Bradbury, Carr, Crume, Evans, Gaddes, Harris, Henkle, Howard, Johnson of M., Johnson of F., Latshaw, Leslie, Liston, Lockhart, Marshall, McDougale, McIntire, Moore, Rockbill, Smith of F., Strain, Torbet, Walker, Wilson of P., Wilson of V., Woodruff, and Wright—30.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bell, Brackenridge, Brett, Bryan, Carter of C., Carter of O., Conwell, Cook, Culbertson, Curry, Curtis, Davis, Green, Hannaman, Hardesty, Hargrove, Hoagland, Howell, Kilgore, Kelso, McCalley, Mendenhall, Nave, Newman, Parks, Phelps, Puckett, Ray, Schooling, Shank, Shaw, Smith of R., Stafford, Stanford, Storm, Thompson, Vandever, Vawter, Wallace, Wilson of H., and Gregory, Speaker—43.

So said motion was decided in the negative.

The question recurred on the motion of Mr. Kelso to re-commit with instructions as amended;

And being put,

It passed in the affirmative.

On motion of Mr. Vawter,

The said bill (No. 26) was re-committed to the Committee on Roads, with instructions to incorporate its provisions in said bill (No. 17.)

On motion of Mr. Carter of O.,

Messrs. Kelso and Conwell were added to the Committee on Roads, while the committee are considering the two last named bills.

On motion of Mr. Moore,

The several orders of the day which precede the engrossed bill (No. 24) to legalize the proceedings of the County Board of Commissioners of Owen County, were, for the present, postponed, and the House proceeded to consider said bill;

Which was thereupon read the third time and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

And then the House adjourned until to-morrow morning at 9 o'clock.

TUESDAY MORNING, DEC. 16, 1834.

The House met pursuant to adjournment.

A message from the Senate, by Mr. Morris their Secretary:

MR. SPEAKER—

The Senate has passed (No. 13) an engrossed bill of the Senate entitled "an act to vacate a part of the State Road leading from Corydon, in Harrison county, to Troy, in Perry county, and for other purposes;" and,

(No. 4) An engrossed joint resolution of the House on the subject of distributing the Laws and Reports of the Supreme Court, with an amendment.

In which bill of the Senate, and the amendment proposed to the bill of the House, the concurrence of the House of Representatives is requested.

The bill (No. 13) named in said message,

Was read the first time and passed to a second reading.

The House concurred in the amendment proposed by the Senate to the joint resolution named in said message.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Davis,

The several orders of the day which precede the engrossed memorial and joint resolution (No. 23) of the Legislature of the State of Indiana, relative to the propriety of declaring Lafayette, on the Wabash river, a port of entry, were for the present postponed, and the House proceeded to consider said memorial and joint resolution;

It was thereupon read the third time and passed.

Ordered, That the Clerk carry the same to the Senate and ask their concurrence.

Mr. Howell, from the Joint Committee of Enrolled Bills, reported that they have compared the engrossed with the enrolled bills, entitled as follows, to wit:—

"An act to legalize the sale of a certain school section therein named," and,

"An act to change the times of holding the Probate Court in the county of Delaware;"

And find the same truly enrolled.

Whereupon the Speaker signed said bills.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

The Speaker laid before the House a communication from the Secretary of State, covering a report in answer to a resolution of this House of the 12th inst., calling upon him to report an estimate of the cost of printing the Laws, Journals, &c.

Which was read, and, on motion of Mr. Wallace, referred to the Committee of Ways and Means.

The Speaker laid before the House a report of the Agent of State for the town of Indianapolis, in obedience to the requisitions of an act for the preservation of the public property on the Governor's circle, approved Feb. 1st, 1834, &c.

Which was read, and, on motion of Mr. Bigger, referred to the Committee on the Affairs of the town of Indianapolis.

Mr. Nave presented a petition of Morgan L. Smith and others, citizens of Marion and Hendricks counties, praying a State Road from the Eagle creek bridge, on the National Road, to Jamestown;

Which was read, when,

Mr. Nave moved to refer the same to the Committee on Roads.

Mr. Johnston of M. moved to lay it on the table;

Which motion did not prevail.

The question was then put on the motion to refer to the Committee on Roads;

And was carried in the affirmative.

Mr. Nave presented a remonstrance of David Matlock and others against the prayer of the last above named petition;

Which was read and referred to the Committee on Roads.

Mr. Marshall presented a petition of John Sheets, praying the incorporation of a company to supply the town of Madison with water from the Ohio river;

Which was read and referred to a select committee of Messrs. Marshall, Wallace, Armstrong, Walker, and Torbet.

Mr. Johnston of M. presented a petition of John E. McCluer, praying relief;

Which was read and referred to the Committee on the Affairs of the town of Indianapolis.

The Speaker laid before the House a report from the Treasurer of State, upon the subject of returns made to his office by the several School Commissioners of lands, whereon the taxes have not been paid, containing a list of the counties from which such returns have been made;

Which was read and referred to the Committee of Ways and Means.

Ordered, That 800 copies thereof be printed for the use of the members of this House.

Mr. Dunning presented a petition of Jacob Calor and others, praying a State Road from Bloomington to Morgantown in Morgan county; Which was read and referred to the Committee on Roads.

Mr. Dunning presented a petition of James Alexander and others, praying, among other things, that the road, prayed for in the last above named petition, be run on the nearest and best route between the points of commencement and termination therein named;

Which was read and referred to the Committee on Roads.

On motion of Mr. Phelps, the petition heretofore presented by him and laid on the table, on the subject of attaching a part of the county of Harrison to the county of Crawford, was taken up, and referred to a select committee of Messrs. Phelps, Leslie, Wilson of H., Green, and Evans.

Mr. Wilson of H. presented five several remonstrances of sundry citizens of the county of Harrison against the prayer of the petition last above named;

Which were severally read and referred to the same select committee to which was referred the above named petition.

On motion of Mr. Hardesty the vote taken on yesterday referring the four several petitions relative to a change of boundaries, and a removal of the Seat of Justice of Lagrange county to the Committee of Ways and Means, was reconsidered; and,

On motion of Mr. Hardesty, referred to a select committee of Messrs. Chapman, Hardesty, Curtis, Liston, Carter of C., Wallace, and Carter of O.

Mr. Crume made the following report;

Which was read and concurred in by the House.

The committee of Ways and Means, to which was referred a resolution, directing them to inquire into the propriety and expediency of prohibiting the retail of all spiritous and intoxicating liquors, by a less quantity than a quart, except by tavern-keepers, grocery-keepers, and all other persons wishing to sell liquors, and of repealing the law granting licenses to retailers of spirituous liquors—have had the foregoing subjects under consideration, and a majority of said committee have directed me to report, that, in their opinion it is inexpedient to legislate on those subjects at this time, and ask to be discharged from the further consideration of the same.

Mr. Crume made the following report:

The committee of Ways and Means, to which was referred a resolution of the House, instructing them to inquire into the expediency of so amending the 50th section of the revenue law, as to authorize the granting of licenses to vend foreign merchandize on capitals of five hundred dollars and under, at five dollars, have had that subject under consideration, and a majority of said committee have directed me to report, that, in their opinion, it is inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration of the same—

Which was read; when,

Mr. Vandever moved to re-commit the same to a select committee with instructions to report a bill agreeably to the requisitions of the resolution.

On motion of Mr. Bryan,

Said instructions were amended so as to limit the capital to \$300— and under, to a tax of \$5.

Mr. Stanford moved to lay said report, motion to re-commit, and instruction, on the table; which motion did not prevail.

The question was then put, shall said report be re-committed to a select committee, as proposed by Mr. Vandever, with the instructions as amended.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bennett, Bower, Brackenridge, Brett, Bryan, Carr, Chapman, Conwell, Cook, Culbertston, Davis, Dunning, Evans, Hannaman, Hargrove, Harris, Henkle, Howard, Howell, Johnson of M., Johnson of F., Latshaw, Leslie, Liston, Lockhart, Lowe, Marshall, McDougle, McIntire, Mendenhall, Moore, Nave, Shank, Shaw, Storm, Strain, Vandever, Walker, Wilson of P., Wright, and Gregory, speaker—41.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bell, Bradbury, Carter of C., Crume, Curry, Curtis, Gaddes, Green, Hardesty, Hoagland, Kelso, Kilgore, McCalley, Newman, Parks, Phelps, Puckett, Ray, Rockhill, Schooling, Smith of F., Smith of R., Stafford, Stanford, Thompson, Torbet, Vawter, Wallace, Wilson of H., Wilson of V. and Woodruff.—33.

So said motion was decided in the affirmative.

Ordered, That Messrs. Brett, Vandever, Conwell, Bryan, and Lockhart be that committee.

Mr. Crume made the following report:

The committee of Ways and Means, to whom was referred "a bill to exempt certain lands from taxation," have carefully examined and considered the provisions of said bill, and are unanimously of opinion that no good reason can be given, why the lands mentioned in said bill, ought not to be taxed, and have directed me to report the same back to the House without amendment, and respectfully recommend that said bill be indefinitely postponed;

Which was read, and before the question was had, on concurring therein, the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

And resumed the consideration of the report, made by the committee of Ways and Means, pending at the last adjournment.

Mr. Bigger moved to lay said report on the table;

Which motion did not prevail.

The question then recurred on concurring in said report.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bennett, Bower, Brackenridge, Bradbury, Bryan, Carr, Carter of O., Conwell, Cook, Crume, Culbertson, Curry, Curtis, Dunning, Gaddes, Green, Hargrove, Harris, Hoagland, Howell, Johnson of M., Latshaw, Leslie, Lockhart, Lowe, McCalley, Mendenhall, Moore, Nave, Parks, Phelps, Ray, Shank, Shaw, Smith of R., Stanford, Storm, Strain, Torbet Vandever, Vawter, Wallace, Wilson of H., Wilson of V., Woodruff, and Wright—49.

And those who voted in the negative are,

Messrs. Bell, Bigger, Brett, Carter of C., Chapman, Davis, Evans, Hannaman, Hardesty, Henkle, Howard, Johnston of F., Kelso, Liston, Marshall, McIntire, Newman, Pucket, Rockhill, Schooling, Smith of F., Stafford, Thompson, Walker, and Gregory, Speaker—25.

So said report was concurred in by the House.

Mr. Howell, from the Committee of Ways and Means, to which was recommitted the bill (No. 54,) granting licenses in a certain case therein named, reported the same with one amendment;

Which was read, when

On motion of Mr. Crume, said amendment was amended by striking out the word "insurance" and inserting in lieu thereof "season."

Mr. Bell moved to postpone the further consideration of said bill and proposed amendment, indefinitely:

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bell, Carter of C., Conwell, Curry, Curtis, Gaddes, Green, Hardesty, Harris, Howard, Kelso, Leslie, Liston, Marshall, McDougale, Rockhill, Smith of R., Strain, Wilson of H., and Wright—20.

And those who voted in the negative, are,

Messrs. Angle, Armstrong, Bennett, Bigger, Bower, Brackenridge, Bradbury, Brett, Bryan, Carr, Carter of O., Chapman, Cook, Crume, Culbertson, Davis, Dunning, Evans, Hannaman, Hargrove, Henkle, Hoagland, Howell, Johnson of M., Johnston of F., Kilgore, Latshaw, Lockhart, Lowe, McCalley, McIntire, Mendenhall, Moore, Nave, Newman, Parks, Phelps, Puckett, Ray, Schooling, Shank, Shaw, Smith of F., Stanford, Storm, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Wilson of V., Woodruff, and Gregory, Speaker—54.

So said motion was decided in the negative.

Mr. Conwell moved to further amend said amendment, by providing that the tax shall be three dollars per year;

Mr. Bigger proposed five dollars as the tax per year;

Mr. Angle named four dollars.

The question was put on the propositions of five dollars and four dollars respectively,

And decided in the negative.

And on the question to insert three, as proposed by Mr. Conwell,

It passed in the affirmative.

On motion of Mr. Evans, said amendment was further amended by striking out the clause which restricted the provisions of the bill to "non-residents of any county."

On motion of Mr. Kelso, said amendment was further amended by inserting therein this clause: "but a license obtained in one county shall exempt the owner from paying a license in any other county for the same season."

On motion of Mr. Henkle, so much of said amendment was stricken out as required the procuring a licence from the Clerk, and the payment of fifty cents therefor.

The said amendment reported by the committee as amended, was then agreed to by the House, and said bill ordered to be engrossed and read a third time to-morrow.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate has passed an engrossed bill (No. 25,) entitled

An act to authorize the Hancock Circuit Court to hold a special session,

In which the concurrence of the House of Representatives is requested.

The bill named in said message was twice read, (the rules of the House having first been dispensed with,) and

On motion of Mr. Kilgore, amended by requiring notice to be given to the Prosecuting attorney.

The said bill was then read the third time, further amended by unanimous consent, and passed.

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence in the amendments made by the House.

On motion of Mr. Smith of F., the several orders of the day which precede bills on their third reading, were for the present postponed, and the House proceeded to consider said bills.

Engrossed bills of the following titles, to wit:

A bill (No. 21,) for the relief of Nathan Padget,

A bill (No. 27,) for the relief of Moses Strong,

A bill (No. 29,) amendatory of an act entitled "an act to appropriate part of the 3 per cent. fund," approved January 31, 1833,

A bill (No. 31,) to authorize the Board of Commissioners of Scott county to make certain appointments,

A bill (No. 7,) to incorporate the Vincennes Medical Society, for the promotion and diffusion of correct medical knowledge,

A bill (No. 32,) to amend an act entitled "an act to provide for the

inspection of salt, beef, and flour," approved January 24th, 1829,

A bill (No. 5,) to legalize the election of Trustees,

A bill (No. 10,) legalizing the election of Probate Judge in the county of Miami,

A bill (No. 11,) for the relief of Peter Whitesel,

A bill (No. 12,) to repeal a part of the first section of an act locating a state road from Terre-Haute by way of Rockville to Crawfordsville,

A bill (No. 13,) to establish a certain road therein named, a state road,

A bill (No. 18,) to locate a state road from South Bend to Huntington on the Wabash,

A bill (No. 19,) to locate a state road from the town of Laporte to the western boundary of the State of Indiana,

A bill (No. 20,) to locate a state road from Levenworth town in Crawford county, to Salem in Washington county,

A bill (No. 25,) to alter a part of the state road therein named,

A bill (No. 30,) to re-locate a part of a certain state road therein named,

A bill (No. 15,) to attach certain territory therein named, and

A bill (No. 35,) for the relief of John G. Davis,

Were severally read the third time and passed.

Ordered, That they be entitled acts, and that the Clerk carry them to the Senate and ask their concurrence.

The engrossed bill from the Senate (No. 1,) to locate a state road in Switzerland county,

Was read the third time and passed.

Ordered, That the Clerk inform the Senate thereof.

The engrossed bill (No. 28) to extend the provisions of an act therein named to Gibson county

Was read the third time, amended by unanimous consent, and passed.

On motion of Mr. Hargrove, the title was so amended as to read,

A bill to extend the provisions of an act therein named to Gibson and Decatur counties.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

The engrossed bill (No. 22) for the formation of the county of — and for other purposes,

Was read the third time,

And, on motion of Mr. Chapman, laid on the table.

The engrossed bill (No. 64) to attach certain territory to the county of Warren, and for other purposes,

Was read the third time, and,

On motion of Mr. Wallace, laid on the table.

Mr. Hardesty, after having obtained leave, presented

A bill (No. 71) to amend an act entitled an act to appropriate a part of the 3 per cent. fund, approved January 31, 1833;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Brett, after having obtained leave, presented

A bill (No. 72) to transfer the appropriation of certain monies therein named;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

Mr. Phelps, from the committee on roads to which was referred a petition on that subject, reported

A bill (No. 73) to amend an act entitled an act to re-locate a part of the state road from Levenworth to Paoli, approved Feb. 1, 1834, and likewise to amend an act entitled an act to establish a state road from Rome, in Perry county, to Paoli, in Orange county, approved February 1, 1834;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

And then the House adjourned until to-morrow morning at 9 o'clock.

WEDNESDAY MORNING, DEC. 17, 1834.

The House met pursuant to adjournment.

The Speaker laid before the House a report of the Trustees of Hanover College;

Which was read and referred to the committee on Education.

Ordered, That 500 copies thereof be printed for the use of the members of this House.

On motion of Mr. Smith of F., the vote taken on the adoption of the resolution heretofore moved by him, directing the enrolling clerk of this House to copy for the Senate the documents accompanying the Governor's message, was re-considered.

On motion of Mr. Smith of F., said resolution was amended so as to exempt from the requirements therein, so much as relates to the documents referred to the committee on Military Affairs.

Said resolution as amended was then adopted.

Mr. Dunning presented a petition of William Alexander and others, praying an appropriation of three hundred dollars out of the three per cent. fund for the purpose of erecting a bridge over Salt creek, on a state road leading from Salem by Spark's ferry to Bloomington;

Which was read, and referred to a select committee of Messrs. Dunning, Parks, Lockhart, Strain, and M'Calley.

On motion of Mr. Bell, the petition of Ezekiel Morgan and others, heretofore presented by him and laid on the table, relative to a relocation of the state road leading from Greenfield to Middletown, was taken up and referred to a select committee of Messrs. Bell, Stanford, Hannaman, Bradbury, Johnson of F., and Woodruff.

Mr. Carr presented a petition of John Albertson and others, praying the location of a state road from Brownstown to intersect the state road leading from Salem to Lexington, at or near Dr. Carter's old tavern stand in Scott county;

Which was read and referred to a select committee of Messrs. Carr, Hoagland, Strain, Bower, and Vawter.

Mr. Howard presented a petition of the President and Trustees of the Rising Sun Fire Company, praying that the members of said company may be exempt from military duty;

Which was read and referred to a select committee of Messrs. Howard, Walker, Torbet, Johnston of F., and Kelso.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate concurs in the amendments proposed by the House of Representatives to the engrossed bill of the Senate (No. 25) entitled

An act to authorize the Hancock circuit court to hold a special session.

Mr. Wilson of V. presented a petition of Thomas Sankey and others, praying the appointment of commissioners and surveyor, to establish and survey the Fredericksburgh state road;

Which was read and laid on the table.

Mr. Liston, after having obtained a suspension of the previous orders of business, reported

A bill (No. 74) providing for the holding of the terms of the circuit court in the 8th judicial circuit;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time tomorrow.

On motion of Mr. Bigger, the several orders of the day which precede the bill (No. 46) to authorize the seminary trustee of Morgan county to loan certain monies within his control to the board doing county business in said county, were for the present postponed; and the House proceeded to consider said bill.

The bill above named was thereupon read the second time;

On motion of Mr. Stafford,

The word "May," in the first section, was stricken out, and the words "January or any subsequent" inserted in lieu thereof.

On motion of Mr. Bigger;

The blank respecting the rate of interest was filled with "not less than six per cent."

Said bill was then read the third time and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Bigger, from the standing committee on the Judiciary to which that subject was referred by a resolution of the House, reported

A bill (No. 75) relative to writs of Mandamus, Procedendo, and Prohibition;

Which was read the first time and passed to a second reading.

Mr. Storm, from the Judiciary committee to which was referred a resolution on that subject, reported

A bill (No. 76) to amend an act entitled an act regulating the taking up of animals going estray and water crafts and other articles of value adrift, approved Feb. 9, 1831;

Which was read the first time and passed to a second reading.

Mr. Green, from the select committee to which was referred a petition on that subject, reported

A bill (No. 77) to locate a state road from New Harmony to Evansville;

Which was read the first time and passed to a second reading.

Mr. Davis, from the select committee to which was committed the bill (No. 49) to declare a certain county road therein named a state road, reported the same with one amendment;

Which was read and concurred in.

On motion of Mr. Kelso, said bill was further amended by striking out so much as relates to printing the same in the newspapers.

Said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Leslie, from the select committee to which was referred a petition on that subject, reported

A bill (No. 78) to establish and define certain streets in the town of Lanesville, in Harrison county, and for other purposes;

Which was read the first time and passed to a second reading.

Mr. Marshall, from the select committee to which was referred a petition of John Sheets on that subject, reported

A bill (No. 79) to incorporate the Madison Water and Manufacturing Company;

Which was twice read, (the rules of the House having first been dispensed with) when

Mr. Marshall moved to amend the first section of said bill by inserting after the word "Water" the words "and Manufacturing."

Mr. Kelso moved to lay said bill and proposed amendment on the table;

Which motion did not prevail.

The amendment, as proposed by Mr. Marshall, was then agreed to by the House.

Said bill was then ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Evans, the several orders of the day which precede the resolution heretofore moved by Mr. Vawter, providing for a loan for Internal Improvement, were for the present postponed.

And the House again resolved itself into a committee of the whole on said resolution, and after some time spent therein, the Speaker resumed the chair, and

Mr. Armstrong reported progress, and asked leave to sit again, and before the question was had thereon,

The House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

And resumed the consideration of the resolution pending at the last adjournment.

The question was then put,

Shall the committee of the whole, to which said resolution was committed, have leave to sit again?

And passed in the affirmative.

The House again resolved itself into a committee of the whole on the resolution last above named,

And after some time spent therein, the Speaker resumed the chair, and

Mr. Armstrong reported progress and asked leave to sit again;

Which leave was granted by the House.

And then the House adjourned until to-morrow morning at 9 o'clock.

THURSDAY MORNING, DEC. 18, 1834.

The House met pursuant to adjournment.

Mr. Howell, from the joint committee of enrolled bills, reported that they have compared the engrossed with the enrolled bills, and joint resolution, entitled as follows, to wit:

An act for the relief of John Pelly, a purchaser of school lands in the county of Montgomery. An act to vacate the town of Bairdstown in Harrison county. An act for the benefit of John H. Farnham, deceased, and for other purposes. A joint resolution on the subject of distributing the Laws and reports of the supreme court to such counties as have not been furnished with the same, and find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the clerk take them to the Senate for the signature of their President.

The following message was received on yesterday, from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate has passed without amendment, (No. 14,) an engrossed bill of the House of Representatives, entitled "an act to provide for the election of one justice of the peace in the towns therein named. Also, engrossed bills of the Senate entitled acts as follows:

No. 17—an act to authorize the president and managers of the New Albany school, to sell certain real estate.

No. 14—an act to amend an act to incorporate the Switzerland county seminary, approved Feb. 1, 1834.

No. 19—an act to amend an act, entitled an act to provide for the improvement of the navigation of the Wabash river, approved Feb. 1, 1834. In which bills of the Senate the concurrence of the House of Representatives is requested.

The bills of the Senate, named in the said message, were severally read the first time, and passed to a second reading.

Mr. Bigger presented a letter from Isaac Conde, addressed to the Representatives of Rush county, on the subject of a State Road, from Andersontown to Shelbyville;

Which was read and referred to the committee on Roads.

Mr. Leslie presented a petition of Wm. Byram and others, citizens of Congressional township No. 5 south range 4 east—praying a change in the law incorporating Congressional townships and providing for public schools therein;

Which was read and referred to the committee on Education.

Mr. Ray, from the Judiciary committee, to which was referred a resolution on that subject, reported a bill, (No. 80,) to amend an act entitled an act allowing and regulating the writ of ad quod damnum, approved Dec. 20, 1823.

Which was read the first time and passed to a second reading.

Mr. Ray made the following report;

The Judiciary committee, to which was referred a resolution of this House, directing them to inquire into the propriety of so amending the act authorizing the appointment of constables, and defining their duties; approved Jan. 17, 1831, so as to authorize suits to be commenced before justices of the peace against constables and their securities, for all monies collected by them and not paid over, &c, have had that subject under consideration, and have directed me to report a bill entitled

A bill (No. 81,) to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 10, 1831;

Which was read the first time and passed to a second reading.

Mr. Kilgore made the following report:

The Judiciary committee, to which was referred a resolution of this House, directing them to inquire into the expediency of so amending the act, entitled an act to regulate the mode of doing county business in the several counties in this State, approved Jan. 19, 1831, so as to repeal so much of the 20th section thereof as relates to the election of the several officers therein named except constables, and give power to the board of county commissioners to appoint the same, have had

that subject under consideration, and have directed me to report a bill, entitled,

A bill (No. 82,) to amend an act entitled an act to regulate the mode of doing county business in the several counties in this State, approved Jan. 19, 1831;

Which was read the first time and passed to a second reading.

Mr. Nave, from the Judiciary committee to which was referred a resolution on that subject, reported a bill, (No. 83,) to abolish imprisonment for debt;

Which was twice read, (the rules of the House having first been dispensed with,) and

On motion of Mr. Smith of R.,

Ordered, That the same do lie on the table.

Mr. Vandever, from the select committee to which was re-committed the report of the committee on Education on that subject, reported a bill, (No. 84,) authorizing the laying off into seminary districts, the several counties therein named, and for other purposes;

Which was read the first time and passed to a second reading.

Mr. Chapman made the following report:

The Committee, to whom was referred the several petitions of G. A. Evarts, Ephraim Sealey, John Shelly and others, on the subject of a survey for a Rail Road from Buffalo, in New York, west, and through the north part of the State of Indiana to the Mississippi River, to be made by the United States; and the construction of said work by the assistance of the State and General Government—and the incorporation of a company for the immediate commencement of said Rail Road—at least from the St. Joseph River, in Indiana, to the Maumee Bay, in Ohio, have had the same under consideration, and now report,

That the committee in taking into consideration the subject of a Rail Road, as contemplated, have had to turn their attention to the various other works of internal improvement now in progress, and about to be commenced in the State.

The first is the Wabash and Erie Canal, which is designed also for a determining point at the Maumee Bay. That improvement crosses the State line about sixty miles south of the northern boundary of the State—the course of the canal being south-west, recedes from the north advantages as it progresses in either course.

The Lake communication is the next that presents itself for consideration. From the Maumee Bay, a distance of fifty miles from the east line of the State, you pursue a course of several hundred miles up the River St. Clair, Lakes Huron and Michigan—a circuitous route of rather a dangerous navigation, you arrive at the extreme north-west corner of the State; leaving extensive bounds of fertile country between the two navigations (was even the Wabash Canal already completed,) of about seventy or eighty miles distant north and south destitute of any facilities of transportation.

The section of country alluded to, which is fine and flourishing in

its agricultural pursuits—a large extent of it in a high state of cultivation, with a soil and climate congenial to the culture of all the staple commodities of the eastern and southern markets, most unequivocally demands the attention of the patrons of internal improvement.

The next inquiry that presents itself is the kind of public work that ought to be constructed, and the points of destination, regarding the public good and general welfare, as well as the immediate interest of the northern part of the State of Indiana.

The two points that most forcibly strike the imagination for the commencement and termination of the most important work, yet agitated, of a public character—whether the construction of a *Canal or Rail Road*, is the head of the Maumee Bay, in the State of Ohio, and at the Rapids of the Illinois River, in the Illinois State.

The distance between the proposed points is two hundred and fifty miles, as laid down by actual survey.

The Illinois River, as your committee are informed, is navigable for steam-boats, of a large size, from the Rapids or mouth of Fox River, to the junction of the Illinois with the Mississippi, and thence to the Gulf of Mexico.

Buffalo, the terminating point of the Hudson and Erie Canal, situated in a conspicuous and commercial view at the east end of Lake Erie, would undoubtedly require attention from the committee, was it a national consideration, and so far as the subject of inquiry is for a national improvement. The committee earnestly invite the attention of the Legislature; and recommend a memorial requesting the construction of a work for a more continued mode of conveyance from the western to the eastern states. Farther than this the committee do not deem it necessary to extend their inquiry, for the present, on the continuation of a public work to Buffalo, as every one conversant with the northern Lakes must be aware that Lake Erie is longer open for navigation in the fall season, and earlier in the spring, from Buffalo to the Maumee, than any other of the northern Lakes; and but seldom any inconvenience would arise for the want of conveyance from the head of the Maumee Bay to the grand thoroughfare of New York, the great American mart.

Having concluded a point for commencement or termination, the subject under consideration recurs again on the kind of improvement, and as far as an incorporated company would be concerned, the mode is conclusive, and leaves a Rail Road the only alternative.

But as some extent of latitude is given, and a discretionary course requested for either the State or General Government to make the improvement, the committee avail themselves of that opportunity to suggest the most advisable plan, whether to be executed by the State, General Government or incorporated companies.

And when reflecting on the vast importance of the chain of communication that is about to be connected, and the deep interest that must be felt by both the eastern and western states for so grand an improvement in their communication; much solicitude is entertained by the committee to ascertain the most advisable mode of constructing the communi-

cation, as well as the practicability of the work:—Canals, Rail and Turnpike Roads alternately present themselves for opening facilities of transportation, as circumstances permit and exigencies require.

Water, one of the requisites for Canal operation, is thought to be amply sufficient for connecting the proposed communication. The summit level to be supplied by the Elkhart River and little St. Joseph near the East line of the State; should those waters prove insufficient (as the whole resources of the little St. Joseph will probably be required in the supply of the Wabash Canal,) the head of Tippecanoe River, which empties a portion of its waters in the tributaries of the St. Lawrence, would amply supply the deficiency to the valley of the Kankakee, the direction of which stream brings you the nearest and best possible route to the Rapids of the Illinois.

No doubt can remain as to the practicability of a Canal on the proposed chain of communication, and that with less expense than works generally are of that description. This mode has its objections in a northern climate and level country; in the winter seasons the communications are obstructed by ice, and the summer season rendered sickly by the sluggishness of the water.

Rail Roads, both from the cheapness of construction and perpetual operation, have the decided preference in a northern climate—some difference of preference would be made owing to the authority undertaking the work, whether the State or General Government.

Taking a retrospective view of the counties of Lagrange, Elkhart, St. Joseph, Laporte, and the expanse of adjoining territory through which this contemplated improvement is to pass; the fertile and exuberant soil, the salubrious climate, the innumerable water courses, affording an immense hydraulic power for machineries; the minerals and abundance of iron ore, (the manufactory of which is now in successful operation in St. Joseph) and the abundance of choice timber that pervades the country, (the two latter the principal materials for the construction of a Rail Road,) and the unparalled increase of an enterprising population. The committee could not help recommending the construction of this grand chain of communication to be conducted under the auspices of the State Government.

The committee are warranted in this conclusion from a knowledge of the extensive bounds of unappropriated lands lying within the purview of the proposed line; which lands the beneficence of Congress, would, no doubt, through the respectful application of the State, grant as a liberal donation for that purpose.

An objection may arise to this undertaking in consequence of a portion at either end lying in a foreign jurisdiction. This objection no doubt can be easily obviated by a memorial and joint resolution to the Legislatures of those States for a grant of power, or for them to participate simultaneously with Indiana in the construction of the work; which memorials and resolutions the committee have prepared, and accompany this report.

The most preferable course to obviate this objection would be to make the work a national improvement, and constructed by the Gene-

ral Government; a survey at least by the United States Engineer would be highly recommendable.

And as some assistance is prayed for from Congress, the committee here also accompany this report with a memorial and joint resolution to the Congress of the United States on the subject of survey and donation of land.

From the example of internal improvement now in progress, and about commencing, for instance the Lawrenceburgh and Indianapolis Rail Road, the Wabash and Erie Canal; works that must reflect imperishable fame upon their projectors, and honor to the Government that fosters them, leaves us no longer to be wandering in the dark, but shedding a light of intelligence around every politician, which in a becoming spirit of enterprise command us to go on in improvement.

Some estimate of the probable cost of the improvement contemplated may be expected, and taking for a guide the cost of the works above alluded to, and the comparative cost in location and topography of the country, a Rail Road from Maumee Bay through Indiana must have decided advantage over the Lawrenceburgh Rail Road for cheapness of construction; the former route being generally through a level, even, and open country.

A double rail-way (or two tracks,) constructed of wood, particularly for the application of the automaton cars, may be safely estimated at eighteen hundred dollars per mile; from the points designated for commencement and termination 250 miles, \$450,000. Through the State of Indiana alone 150 miles, amounts to \$225,000, adding \$75,000 for contingencies, makes 300,000 dollars, a sum believed amply sufficient for completing the work in wood. The additional expense of iron, (particularly the cast,) which is thought by some preferable to maleable would not exceed much, 600 dollars per mile. The whole sum for the State of Indiana 400,000 dollars; a trifling sum, considering the importance of the work.

By an examination of several reports of Civil Engineers, both of this country and of Europe, by the adoption of the steem and locomotive engine, much expense may be saved both in transportation and construction.

When we consider the amount of produce for transportation, and the amount of heavy articles that must be brought from a distance for home consumption, (independent of the advance of property such a work would occasion,) it takes but a very superficial observer, and but an ordinary mathematician, to determine that the advanced prices on exports, and the reduced prices on imports, would in six years pay the whole expense of a rail road from the Maumee bay to the rapids of the Illinois.

The committee, having in as brief and concise a manner as possible, laid down a few of the existing facts in relation to the projected work, omitting many conclusive evidences that might be adduced in support of the propriety of undertaking such an improvement, which would convince the most skeptical, that whatever authority might undertake it, whether State or corporation, they would grow rich by the expenditure of money for its construction; and therefore recommend the Legis-

lature, awarding a liberal share of the government patronage, by granting a charter to the citizens on such terms as they in their wisdom may see proper; for which purpose, a bill also accompanies this report.

All of which is most respectfully submitted for the consideration of your honourable body.

The memorial and joint resolution [No. 85.] of the General Assembly of the State of Indiana to the Legislature of the State of Ohio and Illinois, on the subject of the construction of a rail road from the Maumee bay in Ohio, to the rapids of the Illinois river, in the State of Illinois, accompanying said report,

Was twice read (the rules of the House having first been dispensed with,) and ordered to be engrossed and read a third time to-morrow.

The memorial and joint resolution [No. 86.] of the General Assembly of the State of Indiana, soliciting aid to improve the great northern chain of communication from the Maumee bay in Ohio, to the rapids of the Illinois river, also accompanying said report;

Was twice read, (the rules of the House having first been dispensed with,) when,

On motion of Mr. Vawter, the same was amended by striking out the words, "two or three hundred per cent."

Said memorial and joint resolution was then read the third time and passed.

Ordered, That the Clerk carry it to the Senate and ask their concurrence.

The bill accompanying said report, entitled

A bill (No. 87,) to incorporate the Buffaloe and Mississippi Rail-road Company,

Was read the first time and passed to a second reading.

On motion of Mr. Shaw, the bill (No. 83,) to abolish imprisonment for debt, laid on the table on this day, was taken up and recommitted to a select committee.

Ordered, That Messrs. Shaw, Evans, Bigger, Marshall, Crume, Brackenridge, Green, and Brett, be that committee.

Mr. Phelps, from the select committee to which was referred a petition on that subject, reported

A bill (No. 88,) to enable the Board of Commissioners of Crawford county, to appoint a School Commissioner for a certain township therein named;

Which was read the first time and passed to a second reading.

Mr. Lockhart, from the select committee to which was referred a resolution on that subject, reported

A joint resolution [No. 89.] on the subject of granting certain public lands to widows;

Which was read the first time and passed to a second reading.

Mr. Crume, from the Committee of Ways and Means, to which was referred a resolution on that subject, reported

A bill (No. 90,) to abolish the office of Agent of the 3 per cent. fund;

Which was three times read (the rules of the House having first been dispensed with,) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate has passed without amendment, an engrossed bill of the House of Representatives [No. 46,] entitled

An act to authorize the Seminary Trustee of Morgan county, to loan certain money within his control to the board doing county business in said county.

On motion of Mr. Vawter,

Resolved, That a committee of one from each judicial district be appointed to inquire into the expediency of laying out all the unorganized territory within this State, into a suitable number of counties, with leave to report by bill or otherwise.

On motion of Mr. Davis.

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of so amending the law relative to the trial of criminals, as to authorize special sessions of the Circuit Court, for the trial of such persons as may be committed to jail during the interval between the sessions of the Circuit Court.

On motion of Mr. Wallace,

Resolved, That the Committee on Public Buildings be instructed to report a bill to this House, making provision for the commencement at an early period, and completion as soon as practicable, of a neat, substantial, and durable enclosure of the State House Square, and improving the ground enclosed, by setting shade or ornamental trees, constructing walks, &c.

On motion of Mr. Wilson of H.,

Resolved, That the Judiciary committee be instructed to inquire into the expediency and constitutionality of allowing sheriffs to hold and execute the office of collector; with leave to report by bill or otherwise.

On motion of Mr. Liston,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of extending the charter of the South Bend Bridge Company to the term of fifty years, and also to increase the capital stock of said company to the sum of ten thousand dollars; with leave to report by bill or otherwise.

On motion of Mr. Evans, the resolution heretofore moved by Mr. Chapman on the subject of changing the charter of the State Bank of Indiana, and laid on the table on the 3d inst., was taken up.

The motion of Mr. Evans to amend the same, by making the reference to the committee on the State Bank, depending when the resolution was laid on the table, was then put,

And passed in the affirmative.

Said resolution as amended, was then adopted by the House.

On motion of Mr. Moore,

Resolved, That the committee on Canals and Internal Improvements be instructed to inquire into the expediency of memorializing Congress to pass an act appropriating every fifth section of unsold land which lies in the district of land offered for sale at Vincennes, Indiana, for the improvement of the navigation of the Wabash and two White rivers; with leave to report by bill or otherwise.

Mr. Ray moved the following resolution:

Resolved, That the Judiciary committee be instructed to report a bill to this House abolishing the present Probate Court, and to transfer the Probate business to the President Judges of the Circuit Courts, and to require the Circuit Courts to hold three terms thereof in each year in the respective counties in the circuits, and to set apart in each term a certain number of days for the transaction of the probate business, and the making up of the issues, &c., and to make it the duty of the President Judges of the Circuit Courts to attend to the Probate business;

Which was read, when

Mr. Vawter moved to strike out so much thereof as provides for "three terms of the circuit court per year," and, before the question was had thereon,

The House adjourned until 2 o'clock, P. M.

2 o'clock P. M.

The House met pursuant to adjournment,
And resumed the consideration of the resolution pending at the last adjournment.

Mr. Smith of R. moved that the further consideration of said resolution and proposed amendment be indefinitely postponed.

Mr. Thompson moved to lay the same on the table;

Which motion did not prevail.

The question was then put,

Shall said resolution and motion to amend be indefinitely postponed?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bell, Bennett, Bower, Bryan, Carr, Cook, Davis, Gaddes, Harris, Hoagland, Howard, Howell, Johnson of M., Kelso, Latshaw, Lockhart, M'Calley, M'Dougale, McIntire, Mendenhall, Puckett, Shank, Shaw, Smith of R., Stanford, Storm, Strain, Torbet, Vandever, Vawter, Walker, Willet, and Woodruff—34.

And those who voted in the negative are,

Messrs. Angle, Bigger, Brackenridge, Bradbury, Brett, Carter of C., Chapman, Conwell, Crume, Culbertson, Dunning, Evans, Green, Hannaman, Hardesty, Hargrove, Henkle, Johnson of F., Kilgore, Leslie, Liston, Lowe, Marshall, Moore, Nave, Newman, Parks, Phelps,

Ray, Rockhill, Schooling, Smith of F., Stafford, Thompson, Wallace, Wilson of H., Wilson of V., Wright, and Gregory, Speaker—39.

So said motion was decided in the negative.

Debate arising on the motion to amend as proposed by Mr. Vawter, Mr. Smith of F., called for the previous question; which call was seconded by two members.

And before the question was had thereon, the House adjourned until to-morrow morning at 9 o'clock.

FRIDAY MORNING, DEC. 19, 1834.

The House met pursuant to adjournment.

The following message was received on yesterday from the Senate, by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate has adopted the following resolution:

Resolved, That the House of Representatives be respectfully requested to communicate to the Senate, a copy of the report of the commissioner to superintend the removal of the obstructions of the Wabash river, and that the Secretary inform the House of Representatives of the adoption of this resolution.

On motion of Mr. Angle,

Ordered, That the clerk communicate to the Senate a copy of the report named in said message.

Mr. Leslie, from the joint committee of enrolled bills, reported, that they have compared the enrolled with the engrossed bills, entitled acts—to wit:

An act to locate a State road in Switzerland county. An act to authorize Hancock circuit court to hold a special session. And a joint memorial on the subject of National hospitals;—and an act to provide for the election of one justice of the peace in the towns therein named, and find the same truly enrolled;

Whereupon the Speaker signed said bills and joint memorial.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

The Speaker appointed the following committee, in pursuance of the resolution moved by Mr. Vawter on yesterday, on the subject of laying off the unorganized territory in this State, into counties, viz:—Messrs. Vawter, Henkle, Wilson of H., Wright, Stafford, Smith of F., Culbertson, and Chapman.

On motion of Mr. Davis,

The several previous orders of the day were for the present postponed, and leave being granted him for that purpose, presented a memorial and joint resolution, (No. 91,) of the General Assembly of

the State of Indiana, praying a further donation of land to assist in the completion of the Wabash and Erie Canal;

Which was three times read, (the rules of the House having first been dispensed with,) when,

Mr. Wallace moved to commit the same to the committee on canals and Internal improvements—

Which motion did not prevail.

On motion of Mr. Bryan,

The vote taken on ordering said memorial and joint resolution to a third reading, was re-considered; when,

On motion of Mr. Vawer,

Said memorial, &c. was re-committed to a select committee.

Ordered, That Messrs. Davis, Crume, Brackeridge, Marshall, Shaw, Conwell, and Carter of C., be that committee.

A message from the Senate, by Mr. Morris, their Secretary.

MR. SPEAKER,

The Senate has passed engrossed bills of the House of Representative entitled acts, as follows:

No. 29—an act amendatory of an act, entitled an act to appropriate part of the Three per cent. Fund, approved Jan. 31, 1833.

No. 71—an act to amend an act, entitled an act to appropriate a part of the Three per cent. Fund, approved Jan. 31, 1833.

No. 24—an act to legalize the proceedings of the county board of commissioners of Owen county.

No. 66—an act to authorize the president and directors of the Farmers' and Mechanics' Bank of Indiana to collect their debts for a period therein named. The first two bills with, and the last two without, amendment.

The Senate has also passed bills of the Senate, entitled acts, as follows, to wit:

No. 16—an act to provide for taking the enumeration of the white male inhabitants, above the age of twenty-one years.

No. 18—an act to change the mode of electing commissioners in the county of Fountain.

No. 22—an act for the relief of Jeremiah Johnston; and,

No. 24—an act to vacate part of a certain State road, therein named.

In which bills of the Senate, and the amendments proposed to the bills of the House, the concurrence of the House of Representatives is requested.

The amendments proposed by the Senate to the bills of the House named in said message, were severally read and concurred in by the House.

The bills of the Senate, (Nos. 16 and 24,) named in said message, were severally read the first time and passed to a second reading.

The bills (No. 18 and 22,) named in said message, were severally three times read, (the rules of the House having first been dispensed with,) and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Chapman presented a remonstrance of John Kromer and others, citizens of Lagrange county against any change in the boundaries of, and a removal of the seat of justice of said county;

Which was read and referred to the same select committee to which were heretofore referred sundry petitions in relation to the same subject.

Mr. Chapman presented a remonstrance of James Hostetter and others, citizens of the territory south of, and attached to Lagrange county, on the same subject as the remonstrance last above named;

Which was read and referred to the same select committee.

On motion of Mr. Hardesty,

The bill [No. 22,] for the formation of the county of ———, and for other purposes, laid on the table on the 19th inst., was taken up and committed to the same select committee to which were referred the two remonstrances last above named.

Mr. Johnston of M. presented a petition of Nathan Harlan, praying relief;

Which was read and referred to a select committee of Messrs. Johnson of M., Woodruff, Hannaman, Shank, Stanford, and Ray.

On motion of Mr. Marshall,

The several orders of the day, which precede the bill [No. 79,] to incorporate the Madison Water and Manufacturing Company, were for the present postponed, and the House proceeded to consider said bill.

Said bill was thereupon read the third time and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

Mr. Kilgore presented a petition of Junius McMillan and others, praying a repeal of the law declaring the Mississineway river a navigable stream;

Which was read, when

Mr. Kilgore moved to refer the same to a select committee.

Mr. Puckett moved to lay the same on the table;

Which motion was decided in the negative.

The question then recurred on the motion to refer the same to a select committee,

And was thereupon put,

And passed in the affirmative.

Ordered, That Messrs. Kilgore, Puckett, Hannaman, Curtis, and Bradbury be that committee.

On motion of Mr. Nave, the several orders of the day which precede the engrossed bill from the Senate [No. 24] to vacate part of a certain state road therein named, were for the present postponed, and the House proceeded to consider said bill.

Said bill was then read the second time and,

On motion of Mr. Nave, laid on table.

Mr. Howell presented an account of John A. Brackenridge, for services rendered as special prosecuting attorney in a certain case in the Dubois circuit court at the February term, 1834;

Which was read and referred to the committee on Claims.

Mr. Ray, from the Judiciary committee to which was referred a petition on that subject, reported

A bill [No. 92] reducing the fees of Recorders in the counties of Washington and Orange, and for other purposes;

Which was read the first time and passed to a second reading.

Mr. Brett made the following report, which was read and concurred in by the House:

The committee on the Judiciary, to whom was referred a resolution directing them to inquire into the expediency of so amending the law relative to sheriffs' sales on execution, as to confine such sales to the first Saturday in each month, have had that subject under consideration, and have directed me to report that, in their opinion, it is inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration thereof.

Mr. Hannaman made the following report, which was read and concurred in:

The Judiciary committee, to whom was referred a resolution instructing them to inquire into the expediency of so amending an act entitled an act regulating the interest on money, approved February 2, 1833, as to make six per cent. the legal interest on money when no contract is made between the parties—and that the said committee take further into consideration the propriety of repealing so much of said act as subjects any person receiving more than six per cent. to indictment when the contract was made for more, even to any amount, with leave to report by bill or otherwise,—have had that subject under consideration, and have directed me to report that it is inexpedient to legislate upon that subject, and ask to be discharged from the further consideration thereof.

Mr. Liston, from the Judiciary committee to which was referred two several resolutions on that subject, reported

A bill (No. 93) to amend an act entitled an act to establish and regulate ferries, approved February 10, 1831;

Which was read the first time and passed to a second reading.

Mr. Thompson made the following report, which was read and concurred in:

The Judiciary committee, to whom was referred a resolution of the House, directing them to inquire into the expediency of so amending an act entitled an act regulating the practice in suits at law, approved January 29, 1831, that under a plea denying the taking or detention of the property claimed in an action of replevin, the defendant may give evidence, after notice, of any matters which, if properly pleaded by avowry, cognizance, or plea, would be a bar to the action, in the same manner and with the like effect as if the same had been so pleaded, have had that subject under consideration, and have directed me to report that it is inexpedient at this time to legislate upon it, and ask to be discharged from its further consideration.

Mr. Brackenridge, from the committee on Roads to which was referred a petition of R. C. Mathewson and others on that subject, reported

A bill (No. 94) declaring a certain road therein named a state road; Which was read the first time and passed to a second reading.

Mr. Hargrove, from the committee on roads to which was referred a petition of Luther Newton and others, citizens of Lagrange county, on that subject, reported

A bill (No. 95) to legalize the proceedings of the commissioners on a certain state road therein named;

Which was read the first time and passed to a second reading.

Mr. Dunning, from the joint committee on Public Buildings to which was referred the report of the commissioners appointed to superintend the erection of the State House, reported

A joint resolution [No. 96] of the General Assembly of the State of Indiana relative to the State House;

Which was read the first time and passed to a second reading.

And then the House adjourned until 2 o'clock, P. M.

Two o'clock P. M.

The House met pursuant to adjournment.

And resumed the consideration of the resolution moved by Mr. Ray, and pending at the adjournment on last evening, relative to transferring the probate business to the circuit courts, when,

On motion of Mr. Wallace,

Said resolution, &c. was laid on the table.

Mr. Strain moved the following resolution:

Resolved, That the committee of Ways and Means be instructed to inquire into the expediency of allowing, by law, jurors one dollar per day for their services, with leave to report, &c.;

Which was read, and

On the question to adopt the same,

It was decided in the negative.

On motion of Mr. Bryan,

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of amending the law regulating the Jurisdiction and duties of Justices of the Peace, so that it shall be necessary for any person informing against any other person for any petit misdemeanor, to make it a part of such affidavit, that he does not make such affidavit against such defendant out of any malice towards him, the said defendant; but out of his regard for the public good, before the Justice shall issue his warrant against the accused party, with leave to report by bill or otherwise.

Mr. Kelso moved the following resolution:

Resolved, That when this House adjourns on the 24th instant, it will (the Senate consenting thereto,) adjourn to meet again on the first Monday of January, 1835;

Which was read, when

Mr. Vandever moved to amend the same so as to provide, that when the House adjourns on the 24th inst., it will adjourn *sine die*;

Which motion did not prevail.

Mr. Smith of R., moved to lay said resolution on the table;

Which motion did not prevail.

Mr. Newman moved to amend the same by striking out the words "first Monday," and inserting in lieu thereof, "second day;"

Which motion was decided in the negative.

The question was then put, shall said resolution be adopted?

The ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bennett, Bigger, Carter of C., Chapman, Conwell, Crume, Curry, Dunning, Hannaman, Hardesty, Harris, Johnson of M., Kelso, Liston, Lockhart, Mendenhall, Moore, Puckett, Shank, Shaw, Smith of F., Stafford, Thompson, Torbet, and Gregory, Speaker—26.

And those who voted in the negative are,

Messrs. Armstrong, Bell, Bower, Brackenridge, Bradbury, Brett, Bryan, Carr, Cook, Culbertson, Curtis, Davis, Evans, Gaddes, Green, Hargrove, Henkle, Hoagland, Howard, Johnston of F., Kilgore, Latshaw, Leslie, Lowe, M'Calley, McDougale, McIntire, Nave, Newman, Parks, Phelps, Ray, Rockhill, Schooling, Smith of R., Stanford, Storm, Strain, Vandever, Vawter, Wallace, Willet, Wilson of H., Wilson of P., Wilson of V., Woodruff, and Wright,—47.

So said resolution was not adopted.

On motion of Mr. Hannaman,

Resolved, That a select committee be appointed to inquire into the expediency of memorializing Congress for an appropriation of land to construct a canal, connecting the valley of White river with the Wabash and Erie canal, with leave to report by bill or otherwise; whereupon,

Messrs. Hannaman, Rockhill, Kilgore, Puckett, and Bell, were appointed that committee.

On motion of Mr. Wallace,

Resolved, That a select committee of five members be appointed for the purpose of revising the existing laws relative to the organization of Agricultural Societies, and providing by amendments to the same, suitable provisions to call forth the attention and energy of our citizens to this important subject; whereupon,

Messrs. Wallace, Conwell, Schooling, Latshaw, and Howard, were appointed a committee in pursuance thereof.

Mr. Kelso moved the following resolution:

Resolved, That when this House adjourns on the 24th inst., it will (the Senate consenting thereto,) adjourn to meet again on the 29th day of the present month.

Mr. Newman moved to amend the same by striking out "29th" and inserting in lieu thereof "26th."

Mr. Stanford moved to lay said resolution and motion to amend, on the table;

Which motion did not prevail.

The question then recurred on the motion of Mr. Newman, and was thereupon put,

And decided in the negative.

The question was then put, shall said resolution be adopted?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bennett, Bigger, Carter of C., Conwell, Crume, Curry, Dunning, Green, Hannaman, Hardesty, Henkle, Johnson of M., Kelso, Liston, Lockhart, Mendenhall, Moore, Puckett, Rockhill, Shank, Shaw, Smith of F., Stafford, Thompson, Torbet, Vawter, Wallace, Woodruff, and Gregory, Speaker—30.

And those who voted in the negative are,

Messrs. Armstrong, Bell, Bower, Brackenridge, Bradbury, Brett, Bryan, Carr, Chapman, Cook, Culbertson, Curtis, Davis, Evans, Gaddes, Hargrove, Harris, Hoagland, Howard, Howell, Johnston of F., Kilgore, Latshaw, Leslie, Lowe, McCalley, McDougle, McIntire, Nave, Newman, Parks, Phelps, Ray, Schooling, Smith of R., Stanford, Storm, Strain, Vandever, Wilson of H., Wilson of P., Wilson of V., and Wright—43.

So said resolution was not adopted.

Mr. Vawter moved the following resolution:

Resolved, That the Committee on the Judiciary do inquire into the expediency of so amending the 5th section of an act to regulate marriages, approved February 4, 1831, as to make Clerks liable to no greater damages than may be found on verdict of a jury, not exceeding \$ 500, with leave to report by bill or otherwise.

Mr. Kelso moved to amend the resolution by adding the following clause:

“Also to inquire into the expediency of repealing so much of said law as requires the issuing of marriage license;”

Which motion was decided in the negative.

Mr. Vandever moved to amend said resolution, by adding the following:

“And to allow said Clerks fifty-cents for granting marriage licenses, and no more.”

Mr. Evans moved to amend the proposed amendment, by striking out “fifty cents,” and inserting \$ 2;

Which motion did not prevail.

A motion was thereupon made by Mr. Conwell, to amend the proposed amendment, by requiring the applicant for a marriage license, in addition to the Clerk’s fee of 50 cents, to pay one dollar for the use of common schools in the proper county;

Which motion was decided in the negative.

The question recurred on the amendment of Mr. Vandever, and being put,

It was decided in the negative.

Mr. Brackenridge moved to amend said resolution as follows:

Strike out the words "no greater" and insert "any;" and strike out "not exceeding five," and insert in lieu thereof "not less than two;"

Which motion did not prevail.

Mr. Lockhart moved to amend said resolution by annexing this clause:

"That maids and bachelors over thirty, shall have license free from expense."

Mr. Angle moved to lay the resolution and proposed amendment on the table;

Which motion was lost.

And the question being put on the amendment proposed by Mr. Lockhart,

It was decided in the negative.

Said resolution was then adopted.

On motion of Mr. Wilson of V., the resolution moved by him and laid on the table on the 12th inst., contemplating an increase of the Governor's salary, was taken up, and the question recurring on the pending motion of Mr. Howell to postpone indefinitely said resolution and proposed amendments, it was thereupon put,

And passed in the affirmative.

Mr. Hannaman moved the following resolution:

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the several acts now in force in this State, subjecting "real and personal estate to execution," as to allow, as exempt from execution, one bed and the necessary bedding for every three members of the family, of any execution defendant, with leave to report by bill or otherwise.

Mr. Nave moved to amend the resolution, by adding to the exemptions, twenty head of sheep, and the wool thereof.

On motion of Mr. Dunning,

Said amendment was amended, by adding thereto the following:

"And so much other property as the execution defendant may think necessary to make him comfortable."

On motion of Mr. Kilgore,

Said amendment was further amended, by directing the committee to inquire into the propriety of compelling persons to pay their just debts.

The question being then put on the said amendment as amended, it was decided in the negative.

And on the question to adopt the resolution,

It was determined in the negative.

On motion of Mr. Chapman,

The resolution moved by him and laid on the table, on the 5th inst, directing the committee to which was referred the petition of James

Hostetter and others, to lay off the unorganized territory into counties, was taken up, amended by making the reference to the committee appointed on the resolution moved by Mr. Vawter on that subject yesterday, and adopted.

On motion of Mr. Schooling,

Resolved, That a select committee be appointed to inquire into the expediency of reporting a bill to amend an act entitled "an act to encourage the killing of wolves," approved Feb. 10, 1831, so as to allow the affidavit required now to be made before the clerk of the circuit courts, to be made before a justice of the proper county—with leave to report by bill or otherwise.

Whereupon, Messrs. Schooling, M'Intire, Wilson of P., Liston, Cook, and Chapman were appointed that committee.

On motion of Mr. Armstrong,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the provisions of the 66th section of the act relative to crime and punishment, approved Feb. 10, 1831, as to give authority to justices of the peace, to have persons arrested for the breaches of the peace, enumerated in said section, and to fine and bind over to the peace the offenders, as the circumstances of the offence may require; with leave to report by bill or otherwise.

On motion of Mr. Bigger,

The several orders of the day which precede bills on their second reading, were for the present postponed, and the House proceeded to consider those bills.

The bill [No. 37,] to provide for the sale of certain school lands therein named, was read the second and third times, (the rules of the House having first been dispensed with,) and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The bill (No. 38,) to amend an act entitled an act to provide a fund to encourage common schools, approved Feb. 2, 1832, was read the second time.

Mr. Vawter moved to strike out "six," being the rate of interest required for redemption, and insert "fifty."

"One hundred per cent. was also proposed.

The question was then put, on substituting "one hundred;" and "fifty," respectively for "six," and decided in the negative.

On motion of Mr. Brett,

Said bill was amended, by inserting after the word "elected," in the first clause thereof, the following—

"And in any county in which a school commissioner may have been elected, where such commissioner did not qualify or act as such."

Mr. Leslie moved to amend the bill, by establishing six per cent. per annum as the interest, payable on redemption of land forfeited for non-payment of taxes, in all cases;

Which motion was decided in the negative.

The said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Howell from the joint committee of enrolled bills, reported that they have compared the enrolled with the engrossed bill entitled,

An act to authorize the seminary trustee of Morgan county to loan certain moneys within his control to the board doing county business in said county, and find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the clerk take it to the Senate for the signature of their President.

The bill [No. 39,] appropriating certain monies accruing to the incorporation of the town of Crawfordsville to the purposes of building a market-house and improving the streets of said town;

The bill [No. 40,] to locate a State road from Petersburg via Carlisle to Bruceville;

The memorial and joint resolution, [No. 41,] relative to the establishment of a mail route from New Albany to Terre Haute via Salem, Bedford, Springville, Bloomfield, and Fairplay;

And the bill [No. 44,] to incorporate the Fort Wayne and Laporte Clay turnpike company;

Were severally read the second time and ordered to be engrossed, and read a third time to-morrow.

The bill [No. 42,] to repeal a part of the 85th section of an act relative to crime and punishment, approved Feb. 10, 1831, and also a part of the 9th section of an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 10, 1831;

Was read the second time.

Mr. Evans moved to re-commit the same to the committee on the Judiciary.

Mr. Bigger moved to postpone the further consideration thereof indefinitely—when,

On motion of Mr. Kelso,

Ordered, That the said bill do lie on the table.

The bill [No. 45,] to amend an act entitled an act regulating the practice in chancery, approved Feb. 10, 1831;

Was read the second time.

And before any other question was had thereon,

The House adjourned until to-morrow morning at 9 o'clock.

SATURDAY MORNING, DEC. 20, 1834.

The House met pursuant to adjournment.

A message from the Senate by Mr. Morris their secretary:

Mr. SPEAKER—

The Senate has passed bills of the House entitled acts as follows, to-wit:

No. 12—An act to repeal a part of the first section of an act locating a state road from Terre Haute, by way of Rockville, to Crawfordsville;

No. 13—An act to establish a certain road therein named a state road;

No. 15—An act to attach certain territory therein named;

No. 18—An act to locate a state road from South Bend to Huntington on the Wabash;

No. 19—An act to locate a state road from the town of Laporte to the western boundary of the state of Indiana;

No. 25—An act to alter and change a part of a state road therein mentioned;

No. 30—An act to re-locate a certain state road therein named;

No. 5—An act to legalize the election of trustees; and

No. 11—An act for the relief of Peter Whitesell;

All without amendment, except Nos. 5 and 11.

The Senate has also passed an engrossed bill of the Senate entitled as follows:

No. 33—An act to authorize the Clinton circuit court to hold a special session.

In which bill of the Senate, and the amendments proposed to the bills of the House, the concurrence of the House of Representatives is requested.

The amendments of the Senate made to the bills of the House, named in said message, were severally read and concurred in by the House.

The bill of the Senate, (No. 33) named in said message, was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Lockhart, after having obtained leave, presented

A bill (No. 97) to repeal the 2d section of an act entitled an act to regulate taverns and groceries, approved Feb. 3, 1832;

Which was read the first time and passed to a second reading.

Mr. Harris, after having obtained leave, presented

A bill (No. 98) to improve the navigation of Eel river in the county of Clay;

Which was read the first time and passed to a second reading.

Mr. Howell, from the joint committee on Enrolled Bills, reported that they did, on the 11th inst., present to His Excellency the Governor for his approval and signature, acts entitled as follows, to-wit:

No. 25—An act to authorize the Hancock circuit court to hold a special session;

No. 1—An act to locate a state road in Switzerland county;

No. 5—An act for the benefit of the heirs of John H. Farnham, deceased, and for other purposes;

No. 4—An act to vacate the town of Beardstown in Harrison county; and

No. 11—A joint memorial on the subject of National Hospitals.

Mr. Stanford presented a petition of B. F. Buran and others, praying an extension of the contemplated White Water canal;

Which was read and referred to the committee on Canals and Internal Improvements.

On motion of Mr. Newman Mr. Kilgore was added to the committee on Canals and Internal Improvements.

Mr. Willet presented a petition of Jonathan Griffin and others, praying a state road from Connersville to St. Omer;

Which was read and referred to the same select committee to which was heretofore referred a petition on the same subject.

Mr. Johnson of M. presented the petition of Asa Bales and others, praying the location of a state road from Indianapolis to Peru;

Which was read and referred to the committee on Roads.

Mr. Ray, from the Judiciary committee to which was referred a resolution on that subject, reported

A bill (No. 99) to amend an act entitled an act to regulate the mode of doing county business in the several counties in this state, approved January 19, 1831;

Which was read the first time and passed to a second reading.

Mr. Dunning, from the committee on Education to which was referred the report of the Board of Trustees of the Indiana College on that subject, reported

A bill (No. 100) to amend an act supplementary to an act entitled an act authorizing the sale of one of the reserved sections of land in the reserved township of land in Monroe county, approved Feb. 9, 1831.

Which was read the first time and passed to a second reading.

Mr. Walker, from the committee on Roads to which was referred a petition of William Israel and others on that subject, reported

A bill (No. 101) to establish a state road in Dearborn county;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time on Monday next.

Mr. Brett, from the select committee to which was re-committed a report of the committee of Ways and Means on that subject, reported

A bill (No. 102) to amend the 50th section of an act entitled an act for assessing and collecting the revenue, approved Feb. 10, 1831;

Which was read the first time and passed to a second reading.

Mr. Mendenhall made the following report:

The select committee, to which was referred so much of the Governor's message as relates to the Tippecanoe Battle Ground, have directed the following Report:

That they have had that subject under consideration, together with the letter of the Hon. John Tipton, generously offering to convey the Battle Ground to the State of Indiana free of charges, and making no other conditions than that the State shall fulfil the object of his purchase, in preserving the bones of the valiant dead who there fell in defence of their country.

Without dwelling on the noble motives which prompted the purchase of this hallowed spot, there are associations connected with it which must for ever render it sacred to the memory not only of the surviving few who partook in that deadly conflict, but of the thou-

sands who have subsequently communed with them and enjoyed the fruits of their valor, and the millions who have read its thrilling narrative on the page of history.

To protect this memorable ground from the rude touch of the ploughshare, and to erect suitable memorials over those relics of heroism which have too long been suffered to bleach in the summer suns and wintry winds, ere the sympathies of their countrymen gave them even temporary sepulture, would be honorable to Indiana—yes worthy of this great nation.

The select committee have directed me herewith to report the following joint resolution, entitled

A joint resolution (No. 103) of the General Assembly of the State of Indiana relative to the Tippecanoe Battle Ground;

Which was read the first time and passed to a second reading.

On motion of Mr. Bigger, Mr. Conwell had leave of absence from the service of the House until Monday next.

Mr. Dunning made the following report:

The select committee, to whom was referred the petition of Jesse Wright and other citizens, praying an appropriation of the three per cent. fund to aid in the construction of a bridge over Salt creek, have had that subject under consideration, and have directed me to report

A bill to appropriate a part of the three per cent. fund.

Said bill (No. 104) was read the first time, and passed to a second reading.

Mr. Crume moved the following resolution:

Resolved, That the committee on the Judiciary be instructed to present to this House a bill providing for the organization of a Probate Circuit Court, to consist of one Judge vested with all the powers in his Circuit with which the several Probate Judges are now vested in their respective counties; and also repealing the law now in force organizing Probate Courts.

Mr. Bryan moved to amend the same by providing that said Probate Judges shall be appointed by the Governor, with the advice and consent of the Senate;

Which motion was decided in the negative.

Mr. Vawter moved to amend the same, by inserting after the word "Judge," the following: "to be elected in the same manner and for the same term that the President Judges of the Circuit Courts are now elected."

And before the question was had thereon,

The Speaker announced the expiration of the time allotted for the consideration of resolutions.

Mr. Howell, from the joint committee of Enrolled Bills, reported that they have on this day presented to His Excellency the Governor for his approval and signature the bills entitled:

No. 3—An act to legalize the sale of a certain school section therein named;

No. 6—An act for the relief of John Pefly, a purchaser of school lands in the county of Montgomery;

No. 14—An act to provide for the election of one Justice of the Peace in the towns therein named;

No. 33—An act to change the times of holding the Probate Court in the county of Delaware;

And a joint resolution, entitled

No. 4—A joint resolution on the subject of distributing the laws and Reports of the Supreme Court to such new counties as have not been furnished with the same.

Mr. Willet, after having obtained leave, moved the following resolution:

Resolved, That the committee on the State Library be instructed to inquire into the expediency of attaching to the State Library the archives of both branches of the Legislature; and also to examine what amendments are necessary in the law regulating the same; and especially to provide for the responsibility of a Librarian, with suitable compensation, for the safe keeping of the books, pamphlets, and archives—with leave to report by bill or otherwise;

Which was read and adopted.

And then the House adjourned until Monday morning at 9 o'clock.

MONDAY MORNING, DEC. 22, 1834.

The House met pursuant to adjournment.

On motion of Mr. Evans, the several orders of the day which precede the resolution heretofore moved by Mr. Vawter, authorizing a loan of \$1,400,000, for internal improvements, were for the present postponed, and the House proceeded to consider said resolution.

On motion of Mr. Evans, the committee of the whole House to which said resolution was heretofore committed, were discharged from the further consideration thereof.

Mr. Evans moved to amend said resolution, by striking it out from the resolving clause and inserting in lieu thereof the following:

"That a select committee of thirteen, be directed to bring in a bill providing for a loan of \$1,500,000, to be borrowed at not exceeding five per cent., redeemable in not less than thirty nor more than fifty years; said sum of money to be appropriated to the construction of important works of internal improvement within the State."

Mr. Vawter called for a division of the question.

The Chair thereupon decided that the question was divisible, the first branch of the question being upon striking out, and the second, upon inserting the matter proposed;

From which decision Mr. Kelso appealed to the House, which appeal was seconded.

The question was thereupon put, is the decision of the Chair correct? upon which question,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bell, Bennett, Bigger, Bower, Bradbury, Brett, Bryan, Carr, Carter of C., Chapman, Conwell, Cook, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Evans, Hannaman, Hargrove, Harris, Henkle, Howard, Howell, Johnston of F., Kilgore, Latshaw, Leslie, Liston, Lockhart, Lowe, Marshall, McCalley, McDougle, McIntire, Mendenhall, Moore, Nave, Newman, Parks, Phelps, Puckett, Ray, Rockhill, Schooling, Shank, Shaw, Smith of F., Smith of R., Stafford, Stanford, Storm, Strain, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Wilson of H., Wilson of P., Wilson of V., Woodruff, and Wright—67.

And those who voted in the negative, are,

Messrs. Gaddes, Hardesty, Hoagland, and Kelso—4.

So the decision of the Chair was determined to be correct.

Mr. Nave thereupon moved that said resolution and proposed amendment be postponed until the first Monday in August next.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bennett, Bower, Carr, Hardesty, Hoagland, Leslie, McCalley, Mendenhall, Moore, Nave, and Wilson of H—11.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bell, Bigger, Brackenridge, Bradbury, Brett, Bryan, Carter of C., Chapman, Conwell, Cook, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Evans, Gaddes, Green, Hannaman, Hargrove, Harris, Henkle, Howell, Johnson of M., Johnston of F., Kelso, Kilgore, Latshaw, Liston, Lockhart, Lowe, Marshall, McDougle, McIntire, Newman, Parks, Phelps, Puckett, Ray, Rockhill, Schooling, Shank, Shaw, Smith of F., Smith of R., Stafford, Stanford, Storm, Strain, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Wilson of P., Wilson of V., Woodruff, Wright, and Gregory, Speaker—63.

So said motion was decided in the negative.

On motion of Mr. Armstrong, the resolution was so amended as to make the reference to a select committee, instead of the committee on Canals and Internal improvements.

The question then recurred on the first branch of the amendment proposed by Mr. Evans, to wit: on striking out,

And the ayes and noes being demanded thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bennett, Bigger, Brackenridge, Bradbury, Carr, Chapman, Conwell, Cook, Crume, Curry, Curtis, Davis, Dunning, Evans, Gaddes, Green, Hannaman, Hardesty, Hargrove, Harris, Henkle, Howard, Howell, Johnston of F., Kelso, Kilgore, Latshaw, Leslie, Liston, Lowe, Marshall, McIntire, Mendenhall, Nave, Newman, Parks, Phelps, Puckett, Ray, Rockhill, Schooling, Shaw, Smith of F., Stafford, Stanford, Strain, Thompson, Torbet, Vandever, Walker, Wilson of H., Wilson of P., Wilson of V., Wright, and Gregory, Speaker—57.

And those who voted in the negative are,

Messrs. Armstrong, Bower, Brett, Bryan, Carter of C., Culbertson, Hoagland, Johnson of M., Lockhart, McCalley, McDougle, Moore, Shank, Smith of R., Storm, Vawter, Wallace, and Woodruff—18.

So said motion passed in the affirmative.

Mr. Chapman moved to amend the amendment proposed by Mr. Evans, by adding at the end thereof the following:

“On the following terms and conditions, to wit: that whenever any company is formed or organized in the State for the construction of a canal, rail road, or turnpike road, and the capital stock of such company or corporation is subscribed for, such company or corporation by making their report to the Executive of the State, of such subscription of Stock, the Governor shall cause a survey of such contemplated route to be made by a competent engineer, who shall report the cost and the practicability of the work. And if the amount of stock actually subscribed for by individuals, is sufficient for completing any useful part of said work, and such appearing the fact by the report of the State Engineer, the Executive shall cause a loan to be made out of the ‘*State fund for internal improvement*,’ to such company or corporation, to one half the amount of the full cost of said improvement; or one half the amount of stock subscribed for, (provided the full amount of stock subscribed would make any portion of said work useful,) at a rate of interest not to exceed 6 per cent. per annum, redeemable after twenty and within forty years; for the payment of which the stock and improvement is pledged to the State.”

And before the question was had thereon,

The House adjourned until 2 o'clock P. M.,

2 o'clock P. M.

The House met pursuant to adjournment.

Mr. Leslie, from the joint committee of enrolled bills, reported, that they have compared the enrolled with the engrossed bills, as follows, to wit:

An act for the relief of Jeremiah Johnson of Marion county;

An act amendatory of an act entitled “an act to appropriate part of the three per cent. fund,” approved January 31, 1833;

An act to legalize the proceedings of the Board of County Commissioners of Owen county;

An act to authorize the President and Directors of the Farmer's and Mechanics' Bank of Indiana, to collect their debts for a period therein named, and

An act to authorize the Clinton Circuit Court to hold a special session,

And find the same truly enrolled:

Whereupon, the Speaker signed the same.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate has passed an engrossed bill (No. 26) entitled

An act for the relief of the Collector of the State revenue in the county of Perry for the year 1834,

In which the concurrence of the House of Representatives is requested.

The bill (No. 26) named in said message, was read the first time, when,

On motion of Mr. Howell, the same was rejected.

A message from the Governor, by Mr. Ketcham, his Private Secretary:

MR. SPEAKER—

I am directed by his Excellency the Governor to inform the House of Representatives that he did on the 20th instant approve the following acts, to wit:

(No. 3) An act to legalize the sale of a certain school section therein named,

(No. 4) A joint resolution on the subject of distributing the Laws and Reports of the Supreme Court to such new counties as have not been furnished with the same,

(No. 6) An act for the relief of John Pefley, a purchaser of school lands in the county of Montgomery,

(No. 14) An act to provide for the election of one Justice of the Peace in the towns therein named, and

(No. 33) An act to change the times of holding the Probate Court in the county of Delaware.

The House resumed the consideration of the resolution pending at the last adjournment.

The question recurred on the motion of Mr. Chapman to amend the amendment proposed by Mr. Evans.

It was thereupon put,

And decided in the negative.

Mr. Stanford moved to amend the amendment proposed by Mr. Evans by making the reference to the Committee on Canals and Internal Improvements, instead of a select committee of thirteen.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bennett, Bigger, Brackenridge, Bradbury, Conwell, Crume, Culbertson, Curry, Curtis, Davis, Evans, Gaddes, Hannaman, Hardesty, Henkle, Johnson of M., Johnson of F., Kilgore, Lowe, McIntire, Mendenhall, Newman, Puckett, Ray, Rockhill, Schooling, Shaw, Smith of F., Stafford, Stanford, Walker, Wilson of P., Wilson of V., and Gregory, Speaker—36.

And those who voted in the negative are,

Messrs. Armstrong, Bower, Brett, Bryan, Carr, Carter of C., Chapman, Cook, Dunning, Green, Hargrove, Harris, Hoagland, Howard, Howell, Kelso, Latshaw, Leslie, Liston, Lockhart, Marshall, McCalley, McDougle, Moore, Nave, Parks, Phelps, Shank, Smith of R., Storm, Strain, Thompson, Torbet, Vandever, Vawter, Wallace, Willett, Woodruff, and Wright—39.

So said motion was decided in the negative.

On motion of Mr. Smith of R., said amendment was amended by directing the committee to inquire into the expediency of the measure, instead of directing them to report a bill.

The question was then put: shall said amendment as amended be adopted?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bigger, Brackenridge, Bradbury, Brett, Bryan, Carr, Carter of C., Conwell, Crume, Culbertson, Curry, Curtis, Davis, Evans, Gaddes, Green, Hannaman, Hardesty, Hargrove, Henkle, Howard, Johnson of M., Johnston of F., Kelso, Kilgore, Liston, Lockhart, Lowe, Marshall, McIntire, Newman, Parks, Phelps, Puckett, Ray, Rockhill, Schooling, Shank, Shaw, Smith of F., Smith of R., Stafford, Stanford, Strain, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Willett, Wilson of V., Woodruff, and Gregory, Speaker—56.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Chapman, Cook, Dunning, Harris, Hoagland, Howell, Latshaw, Leslie, McCalley, McDougle, Mendenhall, Moore, Nave, Storm, Wilson of P., and Wright—19.

So said amendment was adopted.

The question then recurred on the adoption of the resolution as amended.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bigger, Brackenridge, Bradbury, Brett, Bryan, Carter of C., Chapman, Conwell, Crume, Culbertson, Curry, Cur-

tis, Davis, Dunning, Evans, Green, Hannaman, Hargrove, Henkle, Howard, Johnson of M., Johnston of F., Kelso, Kilgore, Latshaw, Liston, Lockhart, Lowe, Marshall, McDougle, McIntire, Newman, Parks, Phelps, Puckett, Ray, Rockhill, Schooling, Shank, Shaw, Smith of F., Smith of R., Stafford, Stanford, Storm, Strain, Thompson, Torbet, Walker, Wallace, Willett, Wilson of V., Woodruff, and Gregory, Speaker—56.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bower, Carr, Cook, Gaddes, Hardesty, Harris, Hoagland, Howell, Leslie, McCalley, Mendenhall, Moore, Nave, Vandever, Vawter, Wilson of P., and Wright—19.

So said resolution was adopted.

On motion of Mr. Willett the vote taken on the following resolution, moved by Mr. Kelso on Friday last, was re-considered, viz:

Resolved, That when this House adjourns on the 24th inst., it will (the Senate consenting thereto) adjourn to meet again on the first Monday in Jan., 1835.

Mr. Smith of F. moved to amend the same by striking out "1st Monday of January, 1835," and inserting in lieu thereof "29th inst."

Mr. Kelso moved to amend said proposed amendment by inserting "2d Jan. next" instead of "29th inst."

Which motion did not prevail.

Mr. Howell moved to amend said amendment by striking out "29th inst." and inserting in lieu thereof "25th inst. at 9 oclock A. M."

The question was then put on inserting the "29th inst.," as proposed by Mr. Smith of F., (that being the longest time,)

And was carried in the affirmative.

And on the question: shall said resolution as amended be adopted?

The ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bennett, Bigger, Brackenridge, Bryan, Carter of C., Chapman, Conwell, Cook, Crume, Dunning, Evans, Green, Hannaman, Hardesty, Henkle, Howard, Johnson of M., Johnston of F., Kelso, Liston, Lowe, Marshall, Moore, Phelps, Puckett, Rockhill, Schooling, Shank, Shaw, Smith of F., Stafford, Storm, Thompson, Torbet, Vawter, Wallace, Willett, Woodruff, Wright, and Gregory, Speaker—41.

And those who voted in the negative are,

Messrs. Armstrong, Bell, Bower, Bradbury, Brett, Carr, Culbertson, Curry, Curtis, Davis, Gaddes, Hargrove, Harris, Hoagland, Howell, Kilgore, Latshaw, Leslie, Lockhart, McCalley, McDougle, McIntire, Mendenhall, Nave, Newman, Parks, Ray, Smith of R., Stanford, Strain, Vandever, Walker, Wilson of P., and Wilson of V.—34.

So said resolution was adopted.

Ordered, That Mr. Kelso inform the Senate thereof.

Mr. Willett, after having obtained leave, moved the following resolution:

Resolved, That the Canal Commissioners be authorized as soon as their report is ready for the Legislature, to furnish the same to the printer, who is hereby authorized and required to print 2000 copies for the use of this House;

Which was read, and,

On motion of Mr. Evans,

Ordered, That the same do lie on the table.

Mr. Leslie, from the Committee of Enrolled Bills, reported that they did on this day present to the Governor for his approval and signature,

A bill (No. 46) entitled an act to authorize the Seminary Trustee of Morgan county to loan certain monies within his control to the board doing county business in said county.

On motion of Mr. Crume the several orders of the day which precede the resolution offered by himself on Saturday last, in relation to the organization of Probate Circuit Courts, were, for the present, postponed, and the House proceeded to consider said resolution.

The question recurred on the pending amendment as proposed by Mr. Vawter.

Which amendment provides that the Probate Judges shall be elected in the same manner and for the same term that the President Judges of the Circuit Courts are now elected.

And being thereupon put,

It was decided in the negative.

Mr. Henkle moved to amend said resolution by striking it out from the resolving clause, and inserting in lieu thereof the following:

"That the Committee on the Judiciary be instructed to report a bill providing that all business now committed to the Probate Court, in which the title of real estate is involved, shall hereafter be assigned to the Circuit Court."

Mr. Brett moved to amend said proposed amendment by adding thereto the following:

"And to make Probate Judges their own clerks, to be compensated only by certain fees of office;"

Which motion did not prevail.

The question was then put on the motion to amend as proposed by Mr. Henkle,

And decided in the negative.

Mr. Newman moved to amend said resolution by striking it out from the resolving clause, and inserting in lieu thereof the following:

"That the Judiciary Committee be instructed to report a bill transferring the Probate business to the Circuit Courts of the several counties, and that the said Circuit Courts shall hold three sessions each year, and that a part of each term of said Court be set apart for the transaction of Probate business and making up issues in civil causes, and that the said Circuit Courts shall not be competent to do Probate business unless the President Judge shall be present."

Mr. Brett moved to amend said proposed amendment as follows:

"Strike out the word "three" before the word "sessions," and insert the word "two" in lieu thereof; and also by adding at the close of said resolution—"to provide for the election of a master in chancery in each county, to be elected in the same manner as Probate Judges now are, with such discretionary powers as may be safely confided to him, and necessary to the interests of the community."

Mr. Lockhart moved to postpone the further consideration of said resolution and proposed amendments indefinitely.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bell, Bower, Bryan, Carr, Cook, Curry, Davis, Gaddes, Harris, Hoagland, Howard, Howell, Johnson of M., Latshaw, Lockhart, McCalley, McDougle, McIntire, Moore, Puckett, Schooling, Shank, Shaw, Smith of R., Stanford, Storm, Strain, Torbet, Vandever, Walker, Wilson of P., and Woodruff—34.

And those who voted in the negative are,

Messrs. Bigger, Brackenridge, Bradbury, Brett, Carter of C., Chapman, Conwell, Crume, Culbertson, Curtis, Dunning, Evans, Green, Hannaman, Hardesty, Hargrove, Henkle, Johnson of F., Kelso, Kilgore, Leslie, Liston, Lowe, Marshall, Nave, Newman, Parks, Ray, Rockhill, Smith of F., Stafford, Thompson, Vawter, Wallace, Wilson of V., Wright, and Gregory, Speaker—37.

So said motion was decided in the negative.

The question was then put on the amendment proposed by Mr Brett to Mr. Newnan's pending amendment,

And decided in the negative.

The question recurred on the amendment proposed by Mr. Newman.

Mr. Kelso called for a division of the question.

The first branch whereof was thereupon put, to wit:

On striking out,

And passed in the affirmative.

Mr. Hargrove moved to amend said amendment by striking out so much as provides "for three terms per year;"

Which motion did not prevail.

Mr. Smith of R. moved to amend the same by directing the committee to inquire into the expediency of the measure, instead of directing them to report a bill;

Which motion was lost.

The question was then put,

Shall the second branch of said amendment be adopted?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bigger, Bradbury, Brett, Carr, Conwell, Curtis, Evans, Green, Hannaman, Hargrove, Harris, Henkle, Johnston of F., Kil-

gore, Leslie, Liston, Lowe, Marshall, Nave, Newman, Ray, Smith of F., Stafford, Thompson, Wallace, Wilson of V., Woodruff, and Wright—28.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bell, Bower, Brackenridge, Bryan, Carter of C., Chapman, Cook, Crume, Culbertson, Curry, Davis, Dunning, Gadder, Hardesty, Hoagland, Howard, Howell, Johnson of M., Kelso, Latshaw, Lockhart, McCalley, McDougle, McIntire, Moore, Parks, Phelps, Puckett, Rockhill, Schooling, Shank, Shaw, Smith of R., Stanford, Storm, Strain, Torbet, Vandever, Vawter, Walker, Wilson of P., and Gregory, Speaker—44.

So the second branch of said motion to amend the resolution was decided in the negative.

Mr. Kelso moved to lay said resolution on the table;

Which motion did not prevail.

On motion of Mr. Ray the vote taken on striking out said resolution from the resolving clause was re-considered.

And before any further question was had thereon,

The House adjourned until to-morrow morning at 9 o'clock.

TUESDAY MORNING, DEC. 23, 1834.

The House met pursuant to adjournment.

A message from the Senate, by Mr. Morris, their Secretary.

MR. SPEAKER,

The Senate has passed bills of the Senate, entitled acts, as follows, to wit:

No. 34—an act in relation to school commissioners' deeds

No. 36—an act to provide an additional place of holding elections in Tobin township, Perry county.

No. 37—an act explanatory of an act to appropriate part of the Three per cent. Fund, approved Jan. 31, 1833; also,

Engrossed bills, &c. of the House of Representatives, entitled acts, as follows:

No. 27—an act for the relief of Moses Strong;

No. 10—an act legalizing the election of probate judges in the county of Miami; and,

No. 23—A memorial and joint resolution of the Legislature of the State of Indiana, relative to the propriety of declaring Lafayette, on the Wabash river, a port of entry;

No. 27, without, and Nos 10 and 23, with amendments to each.

The Senate has also passed an engrossed bill of the House of Representatives,

No. 35—entitled an act for the relief of John G. Davis, with amendments; also,

An engrossed bill of the Senate,

No. 32—entitled an act in amendment to an act, entitled an act concerning clerks, approved Feb. 1, 1834.

In which bills of the Senate, and the amendments to the bills of the House, the concurrence of the House of Representatives is requested.

The engrossed bills of the Senate, (Nos. 34, 36, and 37,) named in said message, were severally read the first time and passed to a second reading.

The amendments proposed by the Senate to the several bills and memorial and joint resolution of the House, named in said message, were read and concurred in, generally.

The bill of the Senate, (No. 32,) named in said message, was twice read, (the rules of the House having first been dispensed with.)

On motion of Mr. Evans,

Said bill was amended, by adding, after the words "General Assembly," the words "of the State of Indiana."

Ordered, That the said bill be committed to a committee of the whole House for to-morrow.

On motion of Mr. Kelso,

Mr. Hardesty was added to the committee of enrolled bills.

Mr. Leslie, from the joint committee of enrolled bills, reported that they have compared the enrolled with the engrossed bills, entitled acts, to wit:

No. 18—an act to change the mode of electing commissioners in the county of Fountain;

No. 13—an act to establish a certain road, therein named a State road;

No. 18—an act to locate a State road from South Bend to Huntington, on the Wabash;

No. 19—an act to locate a State road from the town of Laporte to the western boundary of the State of Indiana;

No. 15—an act to attach certain territory therein named;

No. 12—an act to repeal a part of the first section of an act locating a State road from Terre Haute, by way of Rockville, to Crawfordsville;

No. 11—an act for the relief of Peter Whitesell;

No. 30—an act to re-locate a certain State road therein named;

No. 25—an act to change a part of a State road therein named; and,

No. 5—an act to legalize the election of trustees;—and find them truly recorded.

Whereupon the Speaker signed said bills.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

Mr. Culbertson presented a petition of Joseph Willhite and others, praying that said Willhite be divorced from his wife Elizabeth;

Which was read and referred to a select committee of Messrs. Culbertson, Brett, Wright, Latshaw, and Shaw.

Mr. Bennett presented two several petitions of John Gossett and others, praying a change in the 13th section of the act for the relief of the poor;

Which was read and referred to the committee of Ways and Means.

Mr. Carter of C. presented a petition of James H. Stewart and others, citizens of Carroll county, praying a Representative to the State Legislature, from the counties of Carroll and White;

Which was read and referred to a select committee of Messrs. Carter of C., Crume, Marshall, Evans, and Vawter.

Mr. Harris presented a petition of John Race and others, citizens of Clay county, praying, among other things, a refunding to said county, \$112 50, taken therefrom by an act of the Legislature, passed Feb. 1834;

Which was read; when,

Mr. Harris moved to refer the same to a select committee.

Mr. Evans moved to refer so much as relates to the Wabash river, to the committee on canals and Internal Improvements;

Which motion did not prevail,

Said petition was thereupon referred to a select committee of Messrs. Harris, Wilson of V., Hardesty, Moore, Storm, and Armstrong.

Mr. Harris presented a petition of Jesse McIntire and others, citizens of Clay county, praying a continuation of the Rockville and Bowling Green State road to Springville, in Lawrence county;

Which was read and laid on the table.

Mr. Harris presented a petition of Jesse McIntire and others, praying a State road from Martinsville, to intersect the Bowling Green and Terre Haute State road, at a certain point in Vigo county;

Which was read and laid on the table.

Mr. Dunning presented a correspondence, consisting of several letters, between the President and Trustees of the Indiana College and sundry gentlemen in relation to the choice of a Faculty for said College;

Which was read and referred to the committee on Education.

On motion of Mr. Brackenridge,

Messrs. Marshall and Armstrong were added to the committee on Canals and Internal Improvements.

Mr. Hardesty presented a petition of Jesse J. Burton, containing charges of malconduct in office against Nicholas G. Cromwell as Associate Judge of Clay county;

Which was read and referred to the committee on the Judiciary.

Mr. Davis presented a petition of Thomas S. Stoops and others, citizens of the counties of Tippecanoe, Clinton and Carroll, praying a state road from Lafayette to Burlington;

Which was read and referred to a select committee of Messrs. Davis, Henkle, Carter of C., Curry, and Hannaman.

On motion of Mr. Phelps,

Mr. Bigger was added to the committee on Canals and Internal Improvements.

On motion of Mr. Bryan,

Mr. Smith of R. was added to the committee on Canals and Internal Improvements.

On motion of Mr. Walker,

Mr. Bryan was added to the committee on Canals and Internal Improvements.

Mr. Bell presented a preamble and resolutions adopted by sundry citizens of the county of Madison relative to a contemplated canal or rail road from Fort Wayne to Indianapolis;

Which were read and referred to the committee on Canals and Internal Improvements.

Mr. Carter of C. presented a petition of Jacob Cluster and others, citizens of the county of Carroll, praying an act of incorporation to authorize a company to construct a wooden rail road or McAdamized turnpike, from Kirk's, in Clinton county, to Michigan City;

Which was read and referred to a select committee of Messrs. Carter of C., Liston, Angle, Rockhill, and Davis.

Mr. Shank presented the petition of John Surry and others, praying the appointment of commissioners on the state road leading from Brookville to Rushville;

Which was read and laid on the table.

Mr. Woodruff presented a petition of D. J. Vittela and others, praying a change in the Levenworth state road;

Which was read and referred to the committee on Roads.

Mr. Willet moved to re-consider the vote taken on yesterday on the motion of Mr. Stanford to refer the resolution of Mr. Vawter relative to a loan of \$1,500,000, for internal improvements, to the committee on Canals and Internal Improvements, instead of a select committee.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bell, Bennett, Brackenridge, Bradbury, Carter of C., Chapman, Conwell, Crume, Curry, Curtis, Hannaman, Johnston of F., Kilgore, McCalley, Mendenhall, Newman, Puckett, Ray, Rockhill, Smith of F., Stafford, Stanford, Willet, Wilson of P., Wilson of V., and Gregory, Speaker—26.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bower, Brett, Bryan, Carr, Cook, Culbertson, Davis, Dunning, Evans, Gaddes, Green, Hardesty, Hargrove, Harris, Henkle, Hoagland, Howard, Howell, Johnson of M., Kelso, Lathshaw, Leslie, Liston, Lockhart, Marshall, McDougale, McIntire, Moore, Nave, Parks, Phelps, Schooling, Shank, Shaw, Smith of R., Storm,

Strain, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Wilson of H., Woodruff, and Wright—48.

So said motion was decided in the negative.

On motion of Mr. Crume,

Messrs. Angle, Bennett, and Smith of F., had leave of absence from the service of the House until Monday next.

On motion of Mr. Bennett,

Mr. Mendenhall had leave of absence from the service of the House until Monday next.

And then the House adjourned until 2 o'clock, P. M.

Two o'clock P. M.

The House met pursuant to adjournment.

Ordered, That Messrs. Hardesty, Gaddes, Woodruff, Bradbury, Parks, Thompson, Cook, Dunning, Lowe, and Moore have leave of absence from the service of the House until Monday next.

Mr. Green presented a petition of Thomas Robb and others, citizens of Posey county, praying the establishment of a Manual Labor College at the town of New Harmony;

Which was read and referred to a select committee of Messrs. Green, Brackenridge, Wright, Shaw, and Culbertson.

On motion of Mr. Smith of F.,

Mr. Bigger had leave of absence until to-morrow morning.

On motion of Mr. Chapman, the several orders of the day which precede the engrossed memorial and joint resolution (No. 85) of the General Assembly of the State of Indiana, to the Legislatures of the states of Ohio and Illinois, on the subject of the construction of a rail road from the Maumee Bay, in Ohio, to the Rapids of the Illinois river, in the state of Illinois, were for the present postponed, and the House proceeded to consider the same.

Said memorial and joint resolution was then read the third time and passed.

Ordered, That the Clerk carry it to the Senate and ask their concurrence.

A message from the Senate by Mr. Morris their secretary:

MR. SPEAKER—

The Senate concur in the resolution of the House for adjourning from the 24th to the 29th inst.

On motion of Mr. Kelso,

The Judiciary committee had leave of absence from the service of the House until to-morrow morning.

Mr. Hardesty presented a petition of Samuel Wright and others, praying the passage of a law to authorize Justices of the Peace to take a list of the taxable property and to collect the revenue, by making it the duty of those subject to pay taxes to give in their property and pay their taxes to said Justices;

Which was read and referred to the committee of Ways and Means.

Mr. Green, from the select committee to which was referred a petition on that subject, reported

A bill (No. 104) to change a state road in Posey county;

Which was read the first time and passed to a second reading.

Mr. Henkle, after having obtained leave, moved the following resolution, which was read and adopted, viz:

Resolved, That the committee on Canals and Internal Improvements be instructed to report to this House a memorial to the Congress of the United States, praying for a grant of lands to enable the states of Indiana and Illinois to construct a rail road from Lafayette to Chicago.

Mr. Carter of C., after having obtained leave, presented

A bill [No. 105] for the relief of purchasers of Michigan road and canal lands;

Which was read the first time and passed to a second reading.

And then the House adjourned until to-morrow morning at 9 o'clock.

WEDNESDAY MORNING, DEC. 24, 1834.

The House met pursuant to adjournment.

The Speaker appointed the following select committee in pursuance of a resolution heretofore moved by Mr. Vawter, and adopted as amended on motion of Mr. Evans on Monday last, relative to a loan of \$1,500,000 for internal improvements within this State, viz:

Messrs. Evans, Wallace, Vawter, Bell, Bryan, Crume, Newman, Wilson of H., Green, Shaw, Thompson, Lowe, and Liston.

Mr. Leslie, from the joint committee on Enrolled Bills, reported that they did, on yesterday, present to His Excellency the Governor for his approval and signature, the following bills, to-wit:

No. 5—An act to legalize the election of Trustees;

No. 11—An act for the relief of Peter Whitesell;

No. 12—An act to repeal a part of the first section of an act locating a state road from Terre-Haute by way of Rockville to Crawfordsville;

No. 13—An act to establish a certain road therein named, a state road;

No. 15—An act to attach certain territory therein named;

No. 18—An act to locate a state road from South Bend to Huntington on the Wabash;

No. 19—An act to locate a state road from the town of Laporte to the western boundary of the State of Indiana;

No. 25—An act to alter and change a part of a state road therein mentioned;

No. 22—An act for the relief of Jeremiah Johnson;

No. 24—An act to legalize the proceedings of the Board of Commissioners of Owen county;

No. 33—An act to authorize the Clinton Circuit Court to hold a special session;

No. 29—An act amendatory of an act entitled "an act to appropriate part of the three per cent. fund," approved January 31, 1833;

No. 66—An act to authorize the President and Directors of the Farmers' and Mechanics' Bank of Indiana to collect their debts for a period therein named;

No. 71—An act to amend an act entitled "an act to appropriate a part of the three per cent. fund," approved January 31, 1833;

No. 30—An act to locate a certain state road therein named, and

No. 18—An act to change the mode of electing Commissioners in the county of Fountain.

Mr. Howell presented a petition of Ezekiel Morgan and others, praying that the state road leading from Princeton *via* Boonville to the Ohio river opposite the Yellow Banks, be extended up the river to Haydon's ferry;

Which was read and laid on the table.

Mr. Ray made the following report:

The Judiciary committee to which was referred the memorial and petition of Jesse J. Burton, a citizen of the county of Clay and State of Indiana, charging Nicholas G. Cromwell, one of the Associate Judges in and for the said county of Clay, with official misconduct, malfeasance, and misfeasance in office, in the discharge of his official duties as such Associate Judge, have had that subject under their consideration, and a majority of said committee have directed me to report that they are of opinion from the evidence adduced before them, that the said Nicholas G. Cromwell, as such Associate Judge, in and for the county aforesaid, while acting in the discharge of his official duty as such Associate Judge has, at the said county of Clay, wilfully, knowingly, and corruptly been guilty of palpable and flagrant violation of law, and abuse of his power and authority, while acting in the discharge of the duties of his office as such Associate Judge as aforesaid, in the case of the said Jesse J. Burton, set forth in his said petition, and that therefore an inquiry ought to be instituted by this House, into the official and corrupt conduct of the said Nicholas G. Cromwell, as such Associate Judge as aforesaid; and to attain this object, the said committee recommend the adoption of the following resolution, to wit:

Resolved, That the Judiciary Committee of this House be, and they are hereby authorized and directed to send for all records, transcripts, writs, executions, affidavits and other papers, that may by them be deemed necessary and requisite to prove and sustain said charge, and that said committee be further authorized and directed to prepare all suitable process to have brought before them all such papers, records, and other evidence as they may deem necessary, and to compel the attendance before them, of all such witnesses as may by them be deemed necessary and requisite, to give evidence relative to the said charge preferred against the said Nicholas G. Cromwell, by the said Jesse J.

Burton; and to effect this object, said committee shall have the benefit of the process of the State of Indiana, such as may be prepared by said committee, to be issued by the authority of this House, and signed by the Speaker thereof, and directed to the Sergeant-at-Arms of the Senate;

Which was read and laid on the table,

And then the House adjourned until Monday morning at 9 o'clock.

MONDAY MORNING, DEC. 29, 1834.

The House met pursuant to adjournment,

The Speaker laid before the House the annual report of the Board of Directors of the Leavenworth and Bloomington Rail Road Company;

Which was read and referred to the committee on Canals and Internal Improvements.

Mr. Shaw moved that 500 copies of said report be printed for the use of the members of this House;

Which motion was decided in the negative.

A message from the Governor, by Mr. Ketcham his private secretary:

Mr. SPEAKER—

I am directed by his excellency the Governor to inform the House of Representative that he did, on the 23rd inst., approve an act entitled,

No. 46—An act to authorize the seminary trustee of Morgan county to loan certain moneys within his control to the board doing county business in said county.

And that he did, on the 24th inst., approve the acts entitled as follows:

No. 18—An act to locate a state road from South Bend to Huntington on the Wabash;

No. 30—An act to re-locate a certain state road therein named;

No. 25—An act to alter and change a part of a state road therein mentioned;

No. 11—An act for the relief of Peter Whitesell;

No. 29—An act amendatory of an act entitled an act to appropriate part of the three per cent. fund, approved January the 31st, 1833;

No. 13—An act to establish a certain road therein named a state road;

No. 15—An act to attach certain territory therein named;

No. 19—An act to locate a state road from the town of Laporte to the western boundary of the state of Indiana;

No. 5—An act to legalize the election of trustees; and

No. 12—An act to repeal a part of the first section of an act locating a state road from Terre Haute, by way of Rockville, to Crawfordsville;

No. 71—An act to amend an act entitled an act to appropriate a part of the three per cent. fund, approved January 31st, 1833;

No. 24—An act to legalize the proceedings of the Board of Commissioners of Owen county;

No. 66—An act to authorize the President and Directors of the Farmers' and Mechanics' Bank of Indiana to collect their debts for a period therein named;

All of which originated in the House of Representatives.

And also, that he did, on the 24th inst., approve the following acts which originated in the Senate:

No. 22—An act for the relief of Jeremiah Johnson;

No. 18—An act to change the mode of electing commissioners in the county of Fountain;

No. 33—An act to authorize the Clinton circuit court to hold a special session;

All of which have been filed in the Secretary's office.

Mr. Walker presented a petition of J. A. French and others, citizens of the county of Dearborn, praying a re-location of the seat of justice of said county;

Which was read and referred to a select committee of Messrs. Walker, Torbet, Howard, Vawter, Smith of R., Kelso, Hargrove, Shaw, and Brackenridge.

Mr. Howard presented a petition of George Cheek and others, citizens of Dearborn county, on the same subject as the petition last above named;

Which was read and referred to the same select committee.

Mr. Torbet presented a petition of Stephen Wood and others, citizens of the county of Dearborn, relative to the removal of the seat of justice of said county;

Which was read and referred to the same select committee to which were referred the two last petitions above named.

Mr. Vawter presented a petition of Joseph Thomas and others, citizens of the counties of Jefferson and Jennings, praying to have a part of the N. E. quarter of section 4, township 4, north of range 8 east, attached to the county of Jennings;

Which was read and referred to a select committee of Messrs. Vawter, Wallace, Marshall, Hoagland, and Carr.

Mr. Vawter presented a petition of Lewis Needham, praying to be divorced from his wife Fanny;

Which was read and referred to the committee on the Judiciary.

Mr. Vandever presented a petition of James Farris, praying to be divorced from his wife Susannah;

Which was read and referred to the Judiciary committee.

Mr. Lockhart presented a communication from Susannah Farris, wife of the above named James Farris, against his said petition;

Which was read and referred to the committee on the Judiciary.

Mr. Vandever presented a petition of Allen Jones, praying to be divorced from his wife Lucretia;

Which was read and referred to the committee on the Judiciary.

Mr. Liston presented a petition of A. M. Hurd, John J. Deming, and J. H. Orr, members of the St. Joseph Iron Company, accompanied by three several petitions of sundry persons, praying an act of incorporation for said company, and also authority for the company to erect a dam across the St. Joseph river, and construct a lock at the Mishawaka Rapids;

Which were severally read and referred to a select committee of Messrs. Liston, Chapman, Kilgore, Rockbill, and Carter of C.

Mr. Carter of C. presented a petition of R. B. Stevenson and others, citizens of the counties of Cass, Carroll, and White, praying for a state road from Logansport, by the rapids of the Iroquois river, to the state line, in the direction of Chicago;

Which was read and referred to the committee on Roads.

On motion of Mr. Shaw, the several orders of the day which precede the bill (No. 58) to amend an act entitled an act to subject real and personal estate to execution, approved Feb. 4, 1831, were for the present postponed, and the House proceeded to consider said bill.

The committee of the whole to which said bill was committed was discharged from the further consideration thereof.

On motion of Mr. Shaw, said bill was re-committed to a select committee.

Ordered, That Messrs. Shaw, Brett, Dunning, Parks, and Hannaman be that committee.

Mr. Hannaman presented a petition of John Richey and others, praying a state road from Strawtown to Miamisport;

Which was read and referred to the committee on roads.

On motion of Mr. Howell, the petition of Ezekiel Morgan and others, praying an extension of the state road leading from Princeton by Boonville to the Ohio river, presented by him and laid on the table on the 24th inst., was taken up and referred to a select committee of Messrs. Howell, Wright, Brackenridge, Phelps, and Leslie.

Mr. Chapman presented a petition of John Gilmore and others, praying a state road from Goshen to Plymouth;

Which was read and referred to the committee on Roads.

Mr. Carter of C. presented two several petitions of Anthony Burns and others, citizens of the counties of Tippecanoe, Clinton, and Carroll, praying a state road from Lafayette to Burlington;

Which were read and referred to the same select committee to which was heretofore referred a petition on the same subject.

Mr. Carter of C. presented two several petitions of sundry citizens of Carroll county, praying to have a portion of said county attached to the county of White;

Which were read and referred to a select committee of Messrs. Carter of C., Henkle, Davis, Curry, and Angle.

Mr. Dunning presented a petition of David Barrow and others, praying the appointment of a commissioner to mark and locate a state road from Bloomington to Morgantown in Morgan county, on the nearest and best route between the points aforesaid;

Which was read and referred to the committee on roads.

Mr. Hannaman presented a petition of Frederick Redwine and others, citizens of Hamilton county, praying the construction of a canal connecting the Wabash and Erie canal with White river, and down the valley of said White river to the Wabash river;

Which was read and referred to the committee on Canals and Internal Improvements.

Mr. Carter of C. presented two several petitions of sundry citizens of the counties of Cass, Miami, and Wabash, praying a State road from Logansport, to the town of Lagro, in the county of Wabash;

Which were severally read and referred to the committee on roads.

Mr. Davis, from the select committee, to which was re-committed the memorial and joint resolution (No. 91,) of the General Assembly of the State of Indiana, praying a further donation of land to assist in the completion of the Wabash and Erie Canal, reported the same with one amendment;

Which was read and concurred in.

Said memorial and joint resolution was then read the third time, (the rules of the House having first been dispensed with,) and passed.

Ordered, That the clerk carry the same to the Senate and ask their concurrence.

Mr. Johnson of M., from the select committee to which was referred the petition of Nathan Harlan, reported a bill (No. 107,) for the relief of the petitioner, and for other purposes;

Which was three times read, (the rules of the House having first been dispensed with,) and passed.

Ordered, That it be entitled an act, and that the clerk carry the same to the Senate and ask their concurrence.

Mr. Howard, from the select committee, to which was referred a petition on that subject, reported a bill (No. 108,) to exempt the Rising Sun Fire Engine Company from performing military duty;

Which was three times read, (the rules of the House having first been dispensed with,) and passed.

On motion of Mr. Willet,

The title of said bill was amended, by inserting before the words "Rising Sun Fire Engine Company," the words "members of the."

Ordered, That said bill be entitled an act, and that the clerk carry the same to the Senate and ask their concurrence.

Mr. Chapman made the following report:

The select committee to which was referred the petitions and remonstrances of the citizens of Lagrange county, and the attached territory thereto, on the subject of the removal of the county seat of Lagrange county, and attaching 8 miles on the south side of said county, have had the same under consideration and directed me to make the following report:

That it is inexpedient to legislate on the removal of the county seat at this time, and so much as relates to the attachment of territory to said county, report a bill, entitled a bill (No. 109,) to attach certain territory therein named, to the county of Lagrange.

Which was twice read, (the rules of the House having first been dispensed with,) and,

On motion of Mr. Liston,

Laid on the-table.

On motion of Mr. Liston,

The residue of the report was laid on the table.

Mr. Carter of C., after having obtained leave, presented a preamble and joint resolution [No. 110,] relative to a treaty with the Miami tribe of Indians.

Which was twice read (the rules of the House having first been dispensed with).

On motion of Mr. Carter of C.,

Said joint resolution was re-committed to a select committee.

Ordered, That Messrs. Carter of C., Willet, Rockhill, Davis, Henkle, and Marshall, be that committee.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Chapman moved to reconsider the vote given this day, on the question to print 500 copies of the report of the directors of the Levenworth and Bloomington Rail-road Company;

Which motion did not prevail.

On motion of Mr. Hargrove,

M. Carter of O. had leave of absence from the service of this House, until the 2d day of February next.

Mr. Carter of C., from the select committee to which was re-committed the preamble and joint resolution [No. 110,] relative to a treaty with the Miami tribe of Indians, reported the same with one amendment;

Which was read and concurred in by the House.

Mr. Smith of R., moved to amend the same by striking out the preamble and so much of the resolution as relates to the treaty with the Indians.

Which motion was decided in the negative.

Mr. Vawter moved to lay the preamble and joint resolution on the table;

Which motion did not prevail.

On motion of Mr. Brackenridge,

Said preamble was amended by striking out the word "believed," and inserting in lieu thereof, the word "hoped."

The question was then put, shall said preamble and joint resolution be engrossed and read a third time to-morrow.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bigger, Brackenridge, Carter of C., Chapman,

Crume, Curry, Davis, Green, Hannaman, Henkle, Howell Leslie, Liston, Marshall, M'Intire, Phelps, Rockhill, Smith of F., Thompson, Torbet, Vandever, Willet, Wilson of H., Wilson of P., Wilson of V., Woodruff, and Gregory, speaker—29.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bower, Bradbury, Brett, Bryan, Carr, Cook, Culbertson, Curtis, Dunning, Gaddes, Hardesty, Hargrove, Harris, Hoagland, Howard, Johnson of M., Kelso, Kilgore, Latshaw, Lockhart, McCalley, McDougle, Moore, Nave, Newman, Parks, Puckett, Ray, Schooling, Shank, Shaw, Smith of R., Stafford, Stanford, Strain, Vawter, and Wright—39.

So said memorial and joint resolution was rejected.

Mr. Chapman, from the select committee to which was re-committed the bill [No. 22,] for the formation of the county of ———, and for other purposes, reported the same with two amendments.

The first amendment reported by said committee, was read and concurred in.

The second amendment was read, and before any question was had thereon; it was,

On motion of Mr. Vawter,

Ordered, That said bill and proposed amendment do lie on the table.

And then the House adjourned until to-morrow morning at nine o'clock.

TUESDAY MORNING, DEC. 30, 1834.

The House met pursuant to adjournment.

The following message was received on yesterday from the Senate, by Mr. Morris their Secretary:

MR. SPEAKER—

The Senate passed on the 22d inst., an engrossed bill of the Senate entitled

No. 35—An act to amend an act regulating trials of the right of property, approved February 1, 1834,

In which the concurrence of the House of Representatives is requested.

The bill named in said message was twice read (the rules of the House having first been dispensed with) and ordered to be read a third time to-morrow.

Mr. Howell, after having obtained leave, moved the following preamble and resolution;

Which was unanimously adopted:

Whereas, the Hon. Shadrach B. A. Carter, a member of this House from the county of Orange, is visited with a serious and debilitating attack of sickness, which affords no hope of his being able to appear in his seat during the present session of the General Assembly, and compels his return to his residence; therefore

Resolved, That the said member carries with him the respect of this House for his faithful and zealous services as a Representative of his constituents in this body, and their earnest wishes for his speedy restoration to health.

Mr. Johnston of F., presented a petition of James W. Scott and others, citizens of the counties of Franklin, Union, and Wayne, praying a state road from Brookville via intermediate points, to Richmond;

Which was read and referred to a select committee of Messrs. Johnston of F., Conwell, Bennett, Mendenhall, and Curtis.

Mr. Ray presented a petition of John Jack and others, citizens of Wayne county, praying an act incorporating a company to construct a clay turnpike road from Centreville in Wayne county, to College Corner, in Butler county, Ohio;

Which was read and laid on the table.

Mr. Bryan presented a petition of Alfred Caldwell and others, citizens of Decatur county, praying a change in the Probate system;

Which was read and referred to the committee on the Judiciary.

Mr. Dunning presented a petition of John Campbell and others, citizens of Monroe county, praying a repeal of the whole school law of this State, for the term of ten years;

Which was read and referred to the committee on Education.

On motion of Mr. Dunning, Mr. Vandever was added to the committee on Education.

Mr. Wright presented a petition of John McIntire and others, citizens of the county of Pike, praying a change in the time of holding the Probate Court of said county;

Which was read and referred to a select committee of Messrs. Wright, Hargrove, Shaw, Culbertson and Green.

Mr. Bell presented a petition of Dayton Holloway and others, citizens of the counties of Rush, Hancock, and Shelby, praying for the vacation of a state road leading from Hill's mill in Rush county, to Rezin Davis' in Shelby county;

Which was read and referred to a select committee of Messrs. Bell, Shank, Stanford, Cook, Bryan, Willet and Bigger.

Mr. Storm presented a petition of A. Mann Jr. and others, praying a change in the application of certain moneys heretofore appropriated to complete a bridge over Buck Creek in Green county;

Which was read and referred to a select committee of Messrs. Storm, Moore, Stanford, Johnson of M., and Dunning.

Mr. Conwell presented a communication from the President of the Board of Trustees of the Indiana College, containing a statement of the names of the Faculty and officers of the College since its organization, together with their religious persuasion.

Which was read, when

Mr. Green moved that 500 copies be printed for the use of the members of this House.

Mr. Shaw named 3000 copies.

Mr. Conwell named 5000 copies.

Mr. Lockhart moved to reject said communication,

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bower, Brackenridge, Chapman, Curry, Hargrove, Harris, Hoagland, Howard, Howell, Johnson of M., Liston, Lockhart, McCalley, Mendenhall, Vandever, and Wilson of H--17.

And those who voted in the negative are;

Messrs. Armstrong, Bell, Bennett, Bigger, Bradbury, Brett, Bryan, Carr, Carter of C., Conwell, Cook, Crume, Culbertson, Curtis, Davis, Dunning, Gaddes, Green, Hannaman, Hardesty, Henkle, Johnston of F., Kelso, Kilgore, Latshaw, Leslie, Lowe, Marshall, McDougle, McIntire, Moore, Nave, Newman, Parks, Phelps, Puckett, Ray, Rockhill, Schooling, Shank, Shaw, Smith of F., Smith of R., Stafford, Stanford, Storm, Strain, Thompson, Torbet, Vawter, Willet, Wilson of P., Wilson of V., Woodruff, Wright, and Gregory, Speaker--56.

So said motion was decided in the negative.

The question then recurred on the pending motion to print 5000, 3000, and 500 copies respectively.

Mr. Henkle called for a division of the question;

It was thereupon put on the first branch thereof, to wit: on printing;

And the ayes and noes being demanded thereon by two members,

Those who voted in the affirmative are,

Messrs. Bell, Bryan, Carter of C., Conwell, Green, Marshall, Rockhill, Shaw, and Wilson of V.,--9.

And those who voted in the negative, are;

Messrs. Angle, Armstrong, Bennett, Bigger, Bower, Brackenridge, Bradbury, Brett, Carr, Chapman, Cook, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Gaddes, Hannaman, Hardesty, Hargrove, Harris, Henkle, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Kelso, Kilgore, Latshaw, Leslie, Liston, Lockhart, Lowe, McCalley, McDougle, McIntire, Mendenhall, Moore, Nave, Newman, Parks, Phelps, Puckett, Ray, Schooling, Shank, Smith of F., Smith of R., Stafford, Stanford, Storm, Strain, Thompson, Torbet, Vandever, Vawter, Willet, Wilson of H., Wilson of P., Woodruff, Wright, and Gregory, Speaker--64.

So the House refused to print said communication.

Ordered, That said communication be referred to the committee on Education.

Mr. Howell, from the joint committee of enrolled bills, reported, that they had compared the enrolled with the engrossed bills, which originated in the House of Representatives, entitled as follows, to wit:

No. 35--An act for the relief of John G. Davis, former Collector of Parke county, and John G. Kendall, of Decatur county;

No. 27--An act for the relief of Moses Strong;

No. 10--An act legalizing the election of Probate Judges, and

No. 23--A memorial and joint resolution, which originated in the House of Representatives, entitled "a memorial and joint resolution of the Legislature of the State of Indiana, relative to the propriety of declaring Lafayette, on the Wabash river, a port of entry,

And find the same truly enrolled;

Whereupon, the Speaker signed said bills, memorial, and joint resolution.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

Mr. Hardesty presented the account of John Cowgill, for services rendered as Prosecuting Attorney for the 7th Judicial Circuit, for the year 1834;

Which was read and referred to the Committee on Claims.

On motion of Mr. Harris, the petition of Jesse McIntire and others, relative to the Rockville and Bowlinggreen state road, presented by him and laid on the table on the 23d inst., was taken up and referred to the same select committee to which was heretofore referred a petition on the same subject.

On motion of Mr. Shaw, Mr. Torbet was added to the Committee on Education.

Mr. Johnson of M. presented a remonstrance of James Gelvin and others, citizens of the counties of Marion, Hendricks, and Boon, against the location of a State Road from the Eagle creek bridge, on the national road, to Jamestown, in Boon county;

Which was read and referred to the Committee on Roads.

On motion of Mr. Davis the petition heretofore moved by him and laid on the table on the 11th inst., relative to a State Road from Lafayette to Michigan City;

Was taken up and referred to a select committee of Messrs. Davis, Henkle, Carter of C., Liston, and Chapman.

Mr. Curtis, after having obtained leave, presented a bill (No. 111) to incorporate the town of Newport, in Wayne county; (accompanied by a petition of the citizens of said town in that behalf,)

Which bill was read the first time and passed to a second reading.

And then the House adjourned until 2 o'clock P. M.

Two o'clock P. M.

The House met pursuant to adjournment.

A message from the Senate, by Mr. Morris their Secretary:

MR. SPEAKER—

The Senate has passed engrossed bills &c. of the Senate entitled as follows, to wit:

(No. 27) "An act in amendment to an act entitled an act for assessing and collecting the revenue," approved Feb. 10, 1831,

(No. 46) A joint resolution on the subject of the militia,

(No. 47) An act supplemental to an act, approved Feb. 1, 1834, to amend an act entitled "an act to provide for the commissioning of sheriffs and coroners, and regulating their duties, approved February 7, 1834, also

Engrossed bills of the House entitled as follows:

(No. 7) An act to incorporate the Vincennes Medical Society, and for the promotion and diffusion of correct Medical knowledge,

(No. 20) An act to locate a State Road from Leavenworth town, in Crawford county, to Salem, in Washington county,

(No. 28) An act to extend the provisions of an act therein named to Gibson and Decatur counties, and

(No. 47) An act further to amend an act entitled "an act to provide for the sale of certain lands therein named," approved February 2d, 1833.

In which bills of the Senate and the amendments proposed to the bills of the House, (Nos. 28 and 47) the concurrence of the House of Representatives is requested.

The bills and joint resolution of the Senate, named in said message, were severally read the first time and passed to a second reading.

The amendment proposed by the Senate to the bill of the House, (No. 28) named in said message, was read.

On motion of Mr. Phelps said amendment was amended by striking therefrom so much as relates to Crawford county.

On motion of Mr. Kelso said amendment was further amended by striking out what relates to printing the same in the Indiana Journal.

On motion of Mr. Vawter the 3rd section of said amendment was amended by striking out the word "payment," and inserting in lieu thereof the word "judgment."

Said amendment as amended was then concurred in by the House.

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence in the amendments made by the House to the amendment of the Senate.

The amendment of the Senate proposed to the bill of the House, (No. 47) named in said message, was read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

Mr. Henkle, after having obtained leave, moved the following resolution;

Which was read and adopted.

Resolved, That the Canal Commissioners be instructed to report to this House, in connexion with their annual report, any survey and estimates made by the State Engineers, at the request of private individuals, in view of the extension of the Wabash and Erie Canal.

On motion of Mr. Kilgore the report of the Judiciary Committee in relation to charges against Nicholas G. Cromwell, Associate Judge of Clay county, for mal-feasance in office, &c., laid on the table on the 24th inst.,

Was taken up, and the resolution accompanying said report adopted.

Mr. Carter of C. presented a petition of John Barr, Sr. and others, citizens of White county, praying that a portion of the territory of said county may be attached to the county of Carroll;

Also a remonstrance of John Law and others, citizens of Carroll county, against the petition last above named;

Which were severally read and referred to the same select committee to which was heretofore referred a petition on the same subject.

Mr. Mendenhall presented a petition of J. Taylor and others, praying a Turnpike Road from Brownsville, in Union county, to Centreville, in Wayne county;

Which was read and laid on the table.

Mr. Hoagland presented a petition of J. W. Pierson and others, praying that a part of the county of Jackson may be attached to the county of Scott;

Which was read and referred to a select committee of Messrs. Hoagland, Carr, and Vawter.

Mr. Carr presented a remonstrance of Andrew B. Hollen and others, citizens of Jackson county, against the last above named petition;

Which was read and referred to the same select committee.

Mr. McIntire presented a petition of L. B. Hughes and others, citizens of Fountain county, praying a change in the law regulating mills and millers;

Which was read and referred to a select committee of Messrs. McIntire, Evans, Stanford, Angle and Curry.

Mr. Puckett presented a petition of sundry persons, praying an appropriation to aid in improving the navigation of the Mississinnewa river;

Which was read and referred to the same select committee to which was heretofore referred a petition relating to the navigation of said stream.

Mr. Evans presented a petition of L. B. Hughes and others, citizens of Fountain county, praying a review and re-location of a part of a State Road leading from Crawfordsville to the State line in a direction to Danville, Illinois;

Which was read and referred to a select committee of Messrs. Evans, McIntire, and Schooling.

Mr. Hargrove presented a memorial of Philip Beswick and others, praying a change in the economy of the Indiana College;

Which was read and referred to the Committee on Education.

Mr. Howell, after having obtained leave, presented a bill (No. 112) to continue in force an act for the benefit of persons who are likely to suffer by the destruction of the records of Spencer county, approved December 27th, 1833;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry the same to the Senate and ask their concurrence.

And then the House adjourned until to-morrow morning at 9 o'clock.

WEDNESDAY MORNING, DEC. 31, 1834.

The House met pursuant to adjournment.

Mr. Bigger, from the select committee, to which was referred so much of the message of his Excellency the Governor, and accompanying documents as relates to the boundaries between this State and the Territory of Michigan, after having obtained leave, made the following report:

The subject submitted to the consideration of the committee is one of great importance to the State of Indiana. A portion of territory ten miles in width, extending across the entire breadth of our northern boundary, embracing a most fertile tract of country, and that part of Lake Michigan which we have been taught to prize as all-important to the trade, commerce, and agricultural interests of the northern part of the State, and which we have always regarded as properly secured to us by the ordinance of 1787, by the law of Congress authorizing us to form a State Government, and by the express acceptance and ratification of the terms of that law by the convention who met to form a Constitution for the government of this State—has been claimed in positive terms by the Territory of Michigan. Duly impressed with a full sense of the importance of this question, the committee has endeavored to bestow all the attention upon it which its magnitude demands.

The various points relating to the boundary between Ohio, and Indiana, and the Michigan Territory, have undergone much discussion, and numerous documents containing the arguments and views of the contending parties have been published and laid before us; but in the opinion of the committee it is unnecessary to waste time in even enumerating them. The committee, however, are induced to make an exact and connected recital of those parts of the several enactments of Congress and of the several States and Territories, bearing on this subject, especially, as it is found on an examination of what is said and written on both sides, that in referring to those enactments, words apparently of a similar import are frequently used, but which in their application, favor conclusions that the exact text does not warrant;—

believing at the same time that this recital will of itself furnish one of the strongest arguments in favor of the claims of Indiana.

The committee deem it unnecessary in the investigation of this subject to go farther back than the ordinance of Congress, approved July 13, 1787, proposing to Virginia a change in the terms of the cession of the North-western Territory. That part of it material to the present controversy, is as follows:

Art. 5. There shall be formed in the said territory, not less than three, nor more than five States; and the boundaries of the States as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established, as follows, to wit: the western State in said territory, shall be bounded by the Mississippi, the Ohio, and Wabash rivers, a line drawn from the Wabash and Post Vincents, due north to the territorial line between the United States and Canada, and by the said territorial line to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio, by the Ohio, by the direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line: the eastern State shall be bounded by the last mentioned direct line; the Ohio, Pennsylvania, and the said territorial line: Provided, however, and be it further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of said territory which lies north of an east and west line, drawn through the southerly bend or extreme of Lake Michigan.

The State of Virginia, by an act passed Dec. 30, 1788, after reciting the aforesaid fifth article "assents to the proposed alteration, so as to ratify and confirm the said article of compact."

By an act of Congress, approved May 7, 1800, it is provided in the first section, "that from and after the 4th day of July next, all that part of the territory of the United States north-west of the Ohio river, which lies to the westward of a line beginning at the Ohio, opposite to the mouth of the Kentucky river, and running thence to Fort Recovery, and thence north, until it shall intersect the territorial line between the United States and Canada, shall for the purposes of temporary government, constitute a separate territory, and be called the Indiana Territory.

The next in order is the act of Congress, approved Jan. 11, 1805, dividing the Indiana Territory into two separate governments, and establishing the Territory of Michigan; which provides, "that from and after the 30th day of June next, all that part of the Indiana Territory which lies north of a line drawn east from the southerly bend or extreme of Lake Michigan, until it shall intersect Lake Erie, and east of a line drawn from the said southerly bend, through the middle of said lake, to its northern extremity, and thence due north to the northern boundary of the United States, shall for the purposes of temporary government, constitute a separate territory, and be called Michigan."

In the year 1809, the Indiana Territory was divided into the territories of Indiana and Illinois.

In the year 1816, was passed the act of Congress to enable the Indiana Territory to form a constitution and State government, and for the admission of such State into the Union, on an equal footing with the other States; the second section of which provides "that said State shall be bounded on the east by the meridian line which forms the western boundary of the State of Ohio, on the south by the river Ohio, from the mouth of the Great Miami, to the mouth of the River Wabash, on the west by a line drawn along the middle of the Wabash river, from its mouth to a point to where a due north line drawn from the town of Vincennes would touch the north-western shore of said river, and from thence by a due north line, until the same shall intersect an east and west line drawn through a point ten miles north of the southern extreme of Lake Michigan, on the north by said east and west line, until the same shall intersect the first mentioned meridian line which forms the western boundary of the State of Ohio."

The convention which met to form a constitution for the State of Indiana, passed an ordinance, June 29, 1816, accepting the terms proposed in the last mentioned act of Congress, and ratifying, confirming, and establishing the boundaries therein prescribed, and laid down for the State of Indiana.

Michigan founds her claim to the territory in dispute between her and Indiana, upon the authority of the 5th article of the ordinance of 1787, and the act of Congress of 1805, insisting that what she calls the "fundamental" line running east and west "through the *southerly bend or extreme* of Lake Michigan," shall be recognized as the true line of division between her in her right, as the *State* of Michigan, and the States of Indiana and Ohio. This brings us at once to the discussion of the question, through what point this "fundamental" line should pass.

These inquiries are first presented for our consideration—Did Congress in the ordinance of 1787, in describing the boundary between what now constitutes the States of Indiana and Ohio on the one side, and the Territory of Michigan on the other, establish that boundary on a fixed, determinate, and immovable line; or does not the very language, which is used in the ordinance, and in the subsequent enactments on this subject expressly convey the idea that the exact point was left to be fixed at some future period, and *has* it not been established *through* a point warranted by the express terms of the ordinance itself?

In the opinion of the committee the ordinance of Congress, giving it that fair and liberal construction which is given to all laws and compacts of a corresponding character, left the question where the boundary should be definitely established, open to be settled by future compact and legislation. The alternative terms found in the following proviso, contained in the above recited 5th article of the ordinance, to-wit: "*Provided, however, and it is further understood and declared, That the boundaries of these three States shall be so far altered, that if Congress shall hereafter find it expedient, they shall have authority to form*

one or two States in that part of the said territory which lies north of an east and west line, drawn through the *southerly bend* or *extreme* of lake Michigan," certainly cannot be tortured to mean that it was the positive intention of Congress to require the dividing line between these States to pass through the extreme southern point of the lake. The committee understand the expression, "southerly bend," to apply to all that curve or bend, in the margin of the lake, from its extreme southern termination extending in a north western direction, until, assuming its full breadth, it bears off towards the north. Upon an examination of the map, it is strikingly apparent that no more appropriate name could be given to that portion of lake Michigan, than "southerly," or "southern bend." It is well known that those who first visited the unexplored parts of the western country, were constantly in the habit of giving names to a stream or lake, or to a particular part of either of them, in consequence of some event associated with it or themselves, at the time of its discovery, or as descriptive of its appearance or situation. On the south of lake Michigan is a bend of the shore extending for many miles, and no name would strike the hunter or emigrant as more expressive of its appearance than southerly or southern bend, and in bestowing on it that appellation, he would only be doing what has been the common practice of his class throughout the west. A name thus bestowed is seldom lost, except where an aboriginal appellative intervenes. It would seem preposterous to suppose that the phrase, *southerly bend*, would be applied and confined to one single point of a bend, extending around the whole southern part of the lake. In fact, its use alternatively with the word "extreme," in the ordinance itself, and in all the subsequent enactments, until the passage of the law, making provision for the introduction of Indiana into the Union, is conclusive in the minds of the committee, that this boundary between the contemplated States was left to be definitely fixed between the different parties, as might be found expedient.

It is admitted on all sides, that at the time Congress passed the ordinance respecting the Territory ceded by the State of Virginia, but little, comparatively speaking, was known of its rivers, its lakes, and its actual extent. So utterly destitute were they of correct information, relating to these matters, that the southern extremity of lake Michigan itself, so often named in this controversy, has been found to extend forty or fifty miles further south than at that time it was supposed. Congress, it is reasonably to be concluded, when speaking of the boundaries of any of the proposed divisions of this country, where the knowledge of their extent and situation was not accurate, and where it had not become necessary to establish those boundaries definitely, would employ such terms and expressions in describing them as this want of knowledge would naturally suggest. The boundaries of these divisions of the ceded Territory, which would at some time constitute important members of the Union, were to be settled, and it would be irrational to infer that the Congress which adopted the ordinance of 1787 did not leave ample room for the exercise of such a discretion as might enable any future Congress, having a just regard for the interests of all, to es-

tablish the line of division between those States in such a manner as to secure to each an equal participation, as far as practicable, in the advantages of the two great lakes situate within their limits. It would have been partial legislation, indeed, to have given to Ohio so fair a portion of lake Erie, and to Michigan a most important part of the same lake, and so much of lake Michigan as entirely to exclude Indiana. We think it would be detracting from the wisdom, sagacity, and impartiality of that Congress, from which the ordinance on this subject emanated, to doubt for a moment that they intended any thing else than a just and equitable distribution of these great natural advantages among the contiguous States—and not knowing exactly through what point the boundary line, necessary to produce so desirable a result, should pass, we easily arrive at the conclusion that that mode of expression was adopted in framing the ordinance, which would confer on any subsequent Congress a discretionary power in settling the question of boundary, and that those terms were selected which were adapted to the common understanding and language of the country, whether derived from a mode of designation used by individuals who are conversant with the localities of the ceded Territory, or suggested by the mere inspection of the map.

From a full examination of this part of the subject, the committee cannot hesitate for a moment in asserting, that in their opinion, the territory claimed of Indiana by Michigan, clearly belongs to the former, even by the most strict and rigid construction of the laws and compacts respecting it. The select committee of the Executive Council of Michigan in their report on this subject, although in their general argument they use the terms, southerly bend and extreme, as synonymous, yet in one part towards the close of their report, place them in contradistinction to each other, where they use this language: "a line ten miles north of the extremity of the southern bend of lake Michigan, &c." Now we ask nothing more than the boundary line between us and Michigan, to remain as it is at present established—ten miles north of the extremity of this bend; insisting that our claim is in strict conformity with the ordinance itself—the law separating Indiana and Michigan—the law authorizing Indiana to form a State Government—and the acceptance and ratification of the boundaries prescribed in that law by our convention.

Much has been said and written respecting the power which Congress possesses over the establishment of the disputed line on the ground of expedience. The committee deem it unnecessary to spend much time in the examination of this part of the subject; especially as it has already been extensively and ably discussed on the part of the Ohio Delegation, before the Judiciary Committee of the Senate of the United States, and which is appended to the printed report of that committee. Your committee however, would here remark, that great and lasting injury would be done the State of Indiana, by stripping her of the territory claimed by Michigan. Her whole northern trade and commercial interests, so far as the same is connected with the possession of the lake, would be placed in the power of a strange jurisdic-

tion. And again Michigan already far exceeds Indiana in size; and surely it would not comport with the policy that conferred on Congress the power of forming five States, if it should be deemed expedient, instead of three, out of the territory ceded by Virginia, to increase that size. Michigan already possesses much more numerous facilities of navigation in consequence of the lakes with which she is surrounded, than is possessed by either of the other States, with which she is carrying on this controversy. A portion of the ten miles in question, on account of the inducements held out for emigration, the excellence of the country, and the anticipated advantages of a prompt and constant market on the lake, has within a few years received an increase in population almost without a parallel. This has taken place under the full belief that the soil was to remain under the jurisdiction of the State of Indiana, and it certainly would not correspond with the spirit of our free and liberal institutions, to transfer these people, and subject them and their property to the laws of another state, contrary to their will, and against the consent of the government to which they have hitherto been attached.

The object which Congress had in view, in making provision for the formation of five, instead of three States, if deemed expedient, was to prevent their admission into the Union with an extent of territory too great, in proportion to that of the other members of the Federal Government. This discretionary power was subsequently exercised, and the two northern divisions contemplated in the proviso, contained in the fifth article of the Ordinance, were struck off *in* that part of said Territory which lies north of an east and west line drawn through the southern bend or extreme of Lake Michigan. The Ordinance does not provide that the one or two States which might be laid off in the north, should be absolutely bounded on the south by this east and west line. It is worthy of remark, that in describing the lines of the three first States, the expressions are positive that each State shall be bounded by given lines, leaving no room for a discretionary exercise of power. But the moment the dividing line between these and the northern State or States is introduced, the phraseology is changed. There is no requisition that the latter shall be bounded on the south *by* an east and west line passing through a given point, but simply that they shall be laid off *in* that part of the territory north of such line, leaving it with Congress, as we think, to determine their boundaries as might be found expedient. Suppose Congress had deemed it advisable to form four instead of five States out of the ceded territory—do the terms of the Ordinance require that the fourth State should have comprised all that part of said territory north of said east and west line? It certainly could not have been the intention of the individual who framed the Ordinance, nor of the Congress that adopted it, to allow a discretion as to the number of the States which might be established, and still make it absolutely requisite in case only four were formed, that one of them should contain an extent of territory equal to the other three, as must have been the result, if Congress were not vested with the power of prescribing the limits as well as the number of these additional States.

It is the obvious meaning of the Ordinance that they should not extend further south than the southern extremity of Lake Michigan; but it is losing sight of all views of sound policy, of expediency, and of the permanent interests of Indiana, and we might also say of Ohio, to contend that Congress is not clothed with a discretionary power, in the formation of these States, with reference to the extent of territory that should be included within the limits of each, and the manner in which the great and important advantages of lake and river navigation should be distributed among them. We are not assuming a new position in contending that this is the true construction of the Ordinance. This question was long since decided by Congress in our favour. Michigan is at best asserting but a doubtful right, and surely Congress will not discard that construction, sustained as it has been by a series of legislative enactments upon this subject, and wrest from Indiana a part of the territory which was bestowed, and received in good faith, and which gives value and consequence to the whole northern quarter of the State.

Along with the documents referred to this committee, is a resolution of the House containing instructions to inquire into the expediency of addressing a memorial to the State of Virginia, calling upon her to ratify the boundary of Indiana, as designated by the act of Congress authorizing her to form a State Government. The committee, from the examination they have given this part of the subject, are of opinion that there would be an impropriety in requesting Virginia to ratify and confirm any proceedings of Congress, on the assumption that they were not warranted by the authority under which they were assumed to have been done. The General Government and the State of Indiana, as regards the question of boundary, may be considered as standing in the relation of contracting parties. If the terms of the grant of territory to the people of this State, conflict with the conditions of the cession by Virginia, it is to Congress we must look to procure from that State, the confirmation of the grant of territory to Indiana, if it be necessary, or if it is susceptible of such confirmation. To urge this course, if found requisite and proper, belongs to our Delegation in Congress; and we have no doubt they will avail themselves of every reasonable and justifiable means for securing an early adjustment of the point in controversy, in favour of the State which they represent.

The Committee, in conclusion, recommend the adoption of the following joint resolutions:

Resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives requested, to resist the establishment of the southern boundary of Michigan on a line drawn east and west from the southern extremity of Lake Michigan; and also that they insist upon the present northern boundary of Indiana, as prescribed in the act of Congress of 1816; providing for her admission into the Union.

Resolved further, That His Excellency, the Governor, be requested to transmit to our Senators and Representatives in Congress, copies of the foregoing report and resolutions.

The joint resolutions [No. 113,] accompanying said report, entitled Joint Resolutions relative to the boundary line between the State of Indiana and Michigan Territory;

Was read the first time and passed to a second reading.

On motion of Mr. Smith of R.,

Ordered, That 1000 copies of said report be printed, for the use of the members of this House.

Mr. Bryan presented a petition of H. B. Buchanan and others, citizens of St. Omer, praying a State road from Rushville via St. Omer, to Columbus;

Which was read and referred to the same select committee to which was heretofore referred a petition, praying a State road from Connersville via St. Omer, to Columbus.

Mr. Davis presented two several petitions of Robert Heath and others, citizens of the counties of Tippecanoe, Carroll, and White, praying a State road from Lafayette to Michigan city;

Which was read and referred to the committee on Roads.

Mr. Hardesty presented a petition of Jacob Durham and others, praying a change in a certain school district in Putnam county;

Which was read and referred to the committee on Education.

Mr. McDougle presented a memorial of J. B. Winsteadly and others, praying a change in the economy of the Indiana College;

Which was read and referred to the committee on Education.

Mr. Rockhill presented a petition of Miller Holstead and others, praying a State road from Goshen via Lagro, to Richmond;

Which was read and referred to a select committee of Messrs. Rockhill, Chapman, Kilgore, Bradbury, and Ray.

Mr. Dunning presented a petition of Elisha Pollard and others, praying that a portion of the Three per cent. which may hereafter be appropriated to Monroe county, may be applied to the opening and repairing so much of the Madison and Bloomington State road, as lies in said county;

Which was read and referred to a select committee of Messrs Dunning, Marshall, Cook, Vawter, and Carr.

On motion of Mr. Vandever,

Mr Dunning was added to the committee on the State Prison.

Mr. Hannaman presented a report of the proceedings of sundry citizens of Hamilton county, held at Noblesville, on the 25th December, 1834, relative to a canal, connecting the Wabash and Erie Canal with White river, &c.;

Which was read and referred to the committee on canals and internal improvements.

Mr. Davis presented a petition of John L. Pifer and others, citizens of Tippecanoe, Carroll, and White counties, praying a re-location of part of the State road from Lafayette to Michigan city;

Which was read and referred to the same select committee to which was heretofore referred a petition on the same subject.

Mr. Hannaman presented four several memorials of sundry persons, inhabitants of the State of Indiana, preferring complaints against the

conduct of the commissioner of the Michigan road, and asking the division of said road into three districts, and the appointment of a corresponding number of commissioners;

Which were read and referred to the committee on roads.

On motion of Mr. Bigger,

Said committee had the privilege and power to send for persons, and papers, if necessary, in the investigation of the subjects contained in said memorials.

Mr. Phelps presented a petition of Eli Everitt and others, praying a State road from Levenworth via certain points, to New Albany;

Which was read and laid on the table.

Mr. Leslie, from the committee on Education, to which was referred a resolution on that subject, reported a bill [No. 114,] to amend an act entitled an act incorporating Congressional townships, and providing for public schools therein, approved Feb. 2, 1833;

Which was read the first time and passed to a second reading.

The Speaker laid before the House the following annual report of the commissioners of the Wabash and Erie Canal.

To the General Assembly of the State of Indiana:

The law of the last session of the Legislature of this State, having directed the board of canal commissioners to put under contract, an additional portion of the Wabash and Erie Canal, to complete its location westwardly from Huntington to the termination of the canal grant of lands, near the Tippecanoe, to survey each side of the Wabash, so as to make a comparison of the eligibility of the routes on either side, from Logansport to the western termination; and to locate a canal route from Nettle creek to Lawrenceburgh in the valley of the White-water river; they organized a party and sent them into the field as early as the 6th of March last, to perform the locating service, which, with much industry and unremitting diligence on the part of the Engineers, has just been accomplished.

To conduct these operations, it became necessary to employ an additional number of Engineers. Engagements were accordingly made with Wm. Gooding to take charge of the locating party, and with Stearnes Fisher to superintend the construction of a division of the canal line on the Wabash.

In order that the State should have the benefit of all the skill within her control, the Engineer-in-chief was directed to visit the Wabash surveys, as often as his duties to the line under contract would permit, and the White-water location at least twice during the season, and to assist generally in devising plans and making estimates. In this manner the surveys and comparisons of the canal routes have been made under the superintendence of two persons at least, possessing much practical knowledge and experience in their profession, with the means at their command to make all necessary examinations in relation to these subjects. Their reports therefore may be relied on as generally true in their results, and safe in their conclusions.

A report of their proceedings in relation to the White-water Canal

with their estimates, is appended to this communication, and respectfully submitted. [See appendix, document marked B.]

From an examination of the Engineers' report, and map of the White-water canal, which they have filed in the office of the Secretary of State, it will be perceived that eight miles of the route is within the jurisdiction of the State of Ohio; consequently in making legislative provisions for the construction of this canal, it will be necessary to make such arrangements as will enable Indiana to complete that portion of the line which lies in the limits of that State. No funds having been set apart for defraying the cost of the White-water canal location, the expenditures were paid out of the Wabash and Erie Canal fund; but as former acts of the Legislature, appear to have pledged all the proceeds arising from the sales of canal lands, and the tolls of the canal expressly for the construction of the canal itself, it was deemed advisable to keep an account as near as possible, of the amount expended for that purpose; which was the sum of nine hundred and forty-seven dollars, exclusive of one hundred and nineteen dollars in an unsettled account, part of which is still due to the wagoner, for transportation of the baggage of the party.

The full and able report of the Engineers in relation to the White-water canal, precludes the necessity of remarks from the undersigned, but strongly impressed with the utility of canals where they can be made, in advancing the general interests of the State, as well as the immediate district of country through which they pass, by the facilities they give to commerce, by the introduction of capital and the stimulus thereby imparted to industry; they cannot but feel in common with other citizens of the State, a deep interest for the prosecution of this work. Believing there is no portion of this State, where a fertile soil, in a highly cultivated district of country, furnished with numerous streams and mills, and abounding with productions of great value, which from their magnitude and interior situation are expensive to transport to market, more clearly indicate the necessity of a cheap and easy mode of conveyance for their sale; nor a portion of the State, where if a canal should be made, that would be more likely to yield so immediate and satisfactory returns in tolls.

On the first of May last, the section embracing the aqueduct over the St. Mary river, and Section No. 3, extending eastwardly to the bank of the Maumee, and the portion of the line westwardly, from Section No. 50, near Huntington, to Section No. 88, a distance of 18 miles in length, was put under contract, and since that time has been worked with great rapidity. On the 27th July, another portion of the line, 17 miles in length, extending from Section No. 88, to within 15 miles of Logansport, was also let for construction. This part of the line has likewise been well worked, considering the lateness of the season when it was commenced. According to the terms of the contracts, all the work which has been let this season, is to be finished by the 10th of October next; and although it is not usual for improvements of this kind to be completed within the time agreed, yet from the number of men engaged at this time on the line, which can fall but little short of

1,000, and the amount of labor done during the present season, the prospect is certainly fair for its completion within the time specified in the contracts.

The greater part of the line which was put under contract in 1832 has been completed, including the dam across the St. Joseph river. In finishing it much inconvenience was occasioned by the high waters during the summer and fall, which rendered the last, a very unfavorable season for such operations. This dam is 15 feet high, and built upon a sandy foundation from necessity, as the entire bed of the river is composed of that material. But so much care has been exercised by the Engineer, in devising a plan, suited to the exigencies of the case, and attention paid to its construction, that great confidence is felt, that it will resist the actions of the floods, to which it will be exposed, and remain a permanent structure.

The water has been let into the canal, from the dam for 16 miles. In filling this distance the levels were proven to have been truly taken, and the work answered the expectations formed of it, except on feeder Section No. 9, at the St. Joseph's Bluff. Here the bank slipped, and made a breach, carrying about one thousand seven hundred yards of earth into the river. The bank has been repaired. From the point filled with water, to Huntington, a distance of sixteen miles, a considerable part of the sections are finished. The remainder are all commenced, and some of them nearly completed. This part of the line lies along the margin of a wet prairie, and was visited with some severity by sickness, in August, September and part of October. There is more unfinished work on this portion of the line than was expected, or the contracts warrant. Diligence will be used to have it finished by the 4th of July next.

In locating the canal line, from near the mouth of the Mississineway river to Miller's creek, in order to introduce a feeder from the Wabash as soon as practicable after the accession of the Mississineway, it became necessary to make a considerable change in the route located by Col. Moore. His line followed the course of the prairie between which and the river was high ground, until it subsided near Miller's creek, which prevented the canal from being taken to the river, until it reached that point, seven miles below the mouth of the Mississineway. The old line was generally two miles from the Wabash. The new one is nearly on its bank. The change embraces a distance of eight miles in length, and was only made after a thorough examination had been given. To have continued the canal to Miller's creek without a feeder, would have reduced the supply of water much below the quantity necessary for navigation in the dry months, and rendered the work valueless during that part of the year.

The line put under contract this year embraces an aqueduct across the St. Mary river, thirteen lift and one guard lock, three dams across the Wabash, one across Clear creek, and a number of Culverts. These structures with the bluff river banks, which have to be encountered, render this part of the line more expensive than the middle division of the canal, which is now nearly completed. The length of the route

put under contract this year, is 36 miles 38½ chains, and is estimated at contract prices, with reasonable allowance for contingencies which cannot be foreseen, to cost the aggregate sum of \$438,904 50 cts., or an average of \$12,030 96 cts. per mile.

The length of canal which is completed, and the line under contract is nearly seventy miles, which when finished will cost about the sum of \$685,000, or nearly the entire amount which has been appropriated for its construction; the provisions of the law having been strictly observed, to have no more under contract than could be completed without further appropriations. According to this rule no more of the line can be let, until such provisions are made; and the question arises, what amount should be appropriated? The present provisions would be sufficient for the ensuing year's operations, and will probably cover as large a sum as will be expended. But the interests of the state would doubtless be best subserved by putting more of the route under contract the next year, and adopting such measures as will finish the canal in the least time it can be performed without reducing reasonable competition and increasing its cost. The interest on the loans after another year's operations, will amount to a considerable sum, and continue to increase until the canal shall be completed; hence the expediency of finishing the canal in the least time economy will warrant. Within three years, all the work the State intends to perform on this line, should be completed. In carrying the canal down the Wabash, the difficulties to be encountered and the expense increase. The greater height of the water in the river in time of floods—the washing of abrupt banks—the greater depth of the beds of streams which discharge themselves into the river, and which have to be crossed, all serve to produce such a result, and make difficult sections to encounter, which will require at least two years to construct. Hence it is obvious that such expensive jobs should be speedily let.

The proper time to put additional portions of canal line under contract, depends on the forwardness in construction of the line already let; for commencing a new line has the tendency to withdraw laborers and provisions from the old. The precise period when such measures may be taken without producing injury, cannot always be foreseen, but must depend upon contingencies as they transpire; therefore the appropriate time of commencing new divisions of canal line, cannot well be regulated by law, but are best left to the discretion of those who shall have in charge the superintendence of the work. If these considerations be correct, they lead to the conclusion that the true policy to be pursued in relation to this subject, would be, to obtain an estimate of the cost of finishing the canal, on such routes as shall be adopted, which estimate can be furnished to a near approximation of the truth, to decide the points of termination to which the canal shall be extended, to make a general appropriation to complete the canal to such points, and give authority to have it put under contract as speedily as prudence and economy will permit.

Some of the sites where water power privileges have been made by the construction of the canal, may be advantageously used during the

ensuing year. Provisions by law for their sale or rent, is therefore respectfully suggested.

In the course of the last summer and fall, several applications for damages occasioned by the construction of the canal, have been presented to the Board of Canal Commissioners, but with one exception, at so late a period, that the cases had to be deferred, until their return to the canal line. A disposition to claim damages, has lately been manifested to a considerable extent, and there are reasons to believe that these applications will be so numerous, that it will necessarily consume too much time of the Board to attend to them; and for that reason, aside from others which might be given, the law to assess damages by a jury, is not the best which could be devised.

In relation to this subject, it may be remarked, that at the commencement of the Canal, the country through which it passes, was mostly unsettled, and the land cheap. It was then supposed, that this district would be sufficiently accommodated, if the State should construct the Canal, without being charged with the right of way. The idea of claiming damages was not entertained. But since that period public opinion has materially changed. The payment monthly of large sums of money in a small community, has greatly increased the value of property, and produced such an excited state of the public mind, that it is difficult, if not impossible, to carry public opinion back to the value of property, when the Canal was commenced, or to make correct comparisons of the prices it would bear, provided no such work had been made. In a community so situated, that an increase in the value of lands, is daily witnessed, it would be contrary to natural principles, if high prices, were not attached to any portion the State might occupy for a canal, a road, or other improvement, which she might make. And if it be right in principle, that when damages are assessed, the advantages which an individual derives from a public work, should be deducted from the injuries he sustains by its construction, it may be justly doubted, without charging impropriety of motive in the least degree, whether a jury selected from the vicinity of the Canal line be the most impartial tribunal to decide a case of damages between one of their neighbors and the State.

It is respectfully suggested that a Board of three persons, selected from places remote from the Canal line, would perhaps constitute a preferable tribunal for the assessment of such damages. If such a board should be appointed, from the number of applications already made, they should meet on the line early in the spring, to determine the cases which will be presented for their decision.

Twenty-one or two miles of the Canal route, from Fort Wayne to the Ohio State line, has not yet been located, and of course no estimate of cost made. Comparing it, however, with the summit section, which is now nearly finished, it will be safe to say, that this part of the line, can be completed for ten thousand dollars per mile, or the sum of \$220,000

From Sec. No. 122, to Logansport, fifteen miles, which has been carefully surveyed and estimated 136,000

From Logansport, on the north side of the Wabash, to termination, above Tippecanoe - - - - -	373,304
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Total, to finish Canal on north side - - - - -	\$729,304
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From Logansport to Ballard's Bluff, on north side, thence across to south side in pool of dam, at Rockripple, thence to Newmarket on south side, the termination above Tippecanoe, add - - - - -	15,593
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Total appropriation to finish on this plan - - - - -	\$744,897
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From Logansport, on the north side, to Georgetown, thence across the Wabash, on an aqueduct, thence to Newmarket, add - - - - -	32,560
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Total, to finish by way of Georgetown - - - - -	\$777,457
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From Logansport, across the Wabash, in a aqueduct near the upper end of town, thence to Newmarket, add - - - - -	19,370
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Total appropriation necessary to complete the work on the plan of crossing at Logansport - - - - -	\$796,827
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The Report of the Engineers, of the survey of the Canal line westwardly from Logansport, with estimates and comparisons of the routes on each side of the Wabash, is subjoined and referred to, (*See document marked A.*) in which these several plans with their respective advantages and objections are pointed out and elucidated.

In regard to the routes on each side of the river, it is evident that the one on the north side, for a canal simply to terminate above the mouth of the Tippecanoe, has the advantage both in cheapness of cost and safety when it shall be constructed. And if the question be viewed without reference to its extension beyond that point, there could be no hesitation in giving the preference to the north side; as it would save the expense, hazard, and interruption to business, which must in some degree be involved in crossing the Wabash, and place the line on rather less hazardous and expensive ground than it would be on the other. But it is supposed, that such views would be too limited, and that in deciding this subject, the importance of its further extension, and the expediency of its being placed in such situation, that it may be connected with other improvements in the great body of the State, should be considered and have that weight which subjects of such magnitude justly merit.

Seven or eight miles above the mouth of the Tippecanoe, the Wabash leaves the rocky bed over which it has run for many miles, and enters a sandy plain. The character of the river is changed, and its descent, which was before great, is nearly lost, so soon as it leaves the limestone ridge; and the floods rise to much greater height. The

crossing of the river on this plain would be hazardous, and attended with much expense. If the river is to be crossed with the canal, it should be between Delphi and Logansport, where rock foundations for dams or aqueducts may be obtained. When this is kept in mind, and the hazard and expense of crossing a canal over the Tippecanoe; and the fact that a canal down the Wabash from that point, would be more expensive than on the other side—that the State owns but a narrow belt of territory on the northwest side of the river, which is separated from the body of the State—the advantages to be derived from crossing the canal to the south side of the river, are so apparent, that it becomes equally plain, that the difference of cost between the two sides should not be permitted to defeat objects of such importance to the convenience and prosperity of the State.

From all the reflection we have been able to bestow on this subject, we believe that the interests of the State will demand the extension of the canal at no very distant day, to some point where canal and steamboats can at all times meet; and whether this period should be near at hand or very remote, it does not lessen the importance of having all the works on the Wabash and Erie Canal, made in reference to a general plan of improvement, for a navigable connection between the lake and the Mississippi.

Without wishing to travel beyond the sphere of our duties, assigned by law, and recommend works on which we are not authorized to report, we deem it necessary to state, in order that our views of the necessity of crossing the Wabash may be understood, that after the examination we have personally made, and the labor we have bestowed, we fully believe that if the canal should be extended to Lafayette, instead of terminating above the Tippecanoe; inasmuch as that place is the point on the river, where ordinarily the great mass of steamboat business is done, that the business of the canal would be so much increased from the abundance of the productions of the country brought to that place for sale, that the tolls would sooner meet the interest on the cost of constructing the whole work to that point, than they would meet the interest on the amount, which will be necessary to make it to the terminating point above the Tippecanoe.

If it should be considered necessary to cross the canal from the north to the south side of the river, the place and plan of crossing them remain to be determined. The places proposed to cross, are at Logansport, Georgetown, and Ballard's Bluff. The manner of crossing the two first with aqueducts; the last in the pool of a dam. Aqueducts, while in repair, form the best mode of crossing a stream, as they require no extra hands over other portions of the line, to attend them; and therefore they are not subject to vexatious delays. But it should be borne in mind, that the superstructures of these aqueducts must be made of timber, and will have to be renewed once in eight years. This however can be done in the winter, if care be taken to replace them before they fail, and of course give no interruption to navigation. The prominent advantages of crossing at Logansport, are, the vicinity of a flourishing town—the ease of approaching it by the Michigan road, and the

fact that the State will own the section of land where it crosses, which will be rendered more valuable thereby. The objections to crossing at this point are, the increased cost, and the fact that the aqueduct trunk can only be raised about five feet above the highest floods, which will in some degree endanger its safety in ice freshets.

The advantage of the crossing at Georgetown over the crossing at Logansport, is the great breadth of the river, as well as its fall, which prevents the high rise of its floods; and, the height of its banks, which are cheaply approached with a level so high, that no part of the aqueduct trunk will be nearer than eight feet to the highest floods. The canal may be carried over Eel river, and to the south side of the Wabash, by adopting this crossing, and make a saving over the one at Logansport of nineteen thousand dollars in the first cost. But as the length of perishable trunk in the Eel river aqueduct and the one at this point, will be greater than the length of the Logansport aqueduct, it will nearly require the interest at six per cent. on nineteen thousand dollars, to rebuild once in eight years this excess; so that greater safety seems to be all that can be claimed for this point.

The other plan proposed, and which is least expensive, is the crossing at Ballard's Bluff, by means of a tow-path bridge, in the pool of a dam, extending across the river four and a half miles below the bridge.

The objections to this mode of crossing, are mostly the fears that passengers would have in passing the stream when the waters were high, and the delays which would sometimes occur from that cause. Such delays, although to be regretted, as well as any deviation from a perfect plan, could not be of serious import; for, at other than in time of floods, the bridge and pool would be as safe as the canal; and during their prevalence, with the aid of boats kept to assist in passing the stream, the hazard would be so far reduced, that loss of life or property would not be involved.

The durability of the dam, founded in its whole length upon solid rock, and covered at all times with the waters of the river, and the great amount of waterpower which it will bring into use, seem to recommend this plan to great consideration.

The expense of repairs will be but an inconsiderable sum, and the water power privileges, which it will create, will be equal to a quantity sufficient to turn thirty pairs of mill-stones in flouring mills. This quantity of water power to be distributed in the productive counties of Carroll and Tippecanoe, would be of much value to community, and greatly increase the business and tolls of the canal. Such an amount of water power would pay an annual rent of three thousand dollars, so that in comparing this with the other modes of crossing, it would appear that while they will cost annually, a considerable sum to rebuild the aqueduct trunks, once at least in eight years; this plan will yield an annual rent to swell the proceeds of the work, which will be greater in amount than that sum, exclusive of the increase it will produce in the tolls from the facilities it affords for mills and machinery.

At the same time that we have given our views freely on these plans, from a conviction of the difficulty of determining such subjects without

observation of the various points proposed, and laborious investigations of the relations connected with them, we do not wish to be considered as attempting to decide the merits of either, as we should consider, even if the General Assembly were to decide in general terms the necessity of carrying the canal to the south side of the Wabash, that we had not sufficiently collected all the facts which might be brought in aid of arriving at an enlightened decision. We should want the engineers to observe the operations of the ice floods of another winter, and to open more quarries, to be more strongly assured that good stone in sufficient quantities could be obtained to build the piers of the aqueducts. We should want time to collect all the information which could be procured, until the period arrives to commence the construction of this part of the line.

We owe an apology for the lateness of the season, our report is presented. This must be found, partly, in the necessity there is to be on the line in the months of November and December, when the contractors finish their work for the season, and have heavy accounts to settle, and their labourers to discharge. This renders it necessary, and indeed indispensable for the Commissioners to be with them, for the purpose of ascertaining and paying their dues; and partly in the great amount of labour, which during the year had been assigned to the Engineer Department. From the length of canal under contract, which they superintend, and the amount of line to locate, notwithstanding their incessant labours since early in the spring, they have only been able to complete their estimates and reports within the two last days; which of course would have delayed the communication we make, even if we had been otherwise fully prepared to present it.

We feel deeply indebted to Mr. Gooding, for the aid he has rendered in the discharge of the duties assigned him. The locating service was conducted under his direction, with the judgment, skill, and industry which characterizes the competent and practical Engineer.

The Commissioners of the Canal Fund having left Indianapolis before our arrival, our annual settlement with that Board has not been made. The financial part of our operations this year, will therefore be deferred till their arrival, and made the subject of a separate report.

Respectfully submitted,

D. BURR,
SAM'L LEWIS,
J. B. JOHNSON,

Indianapolis, Dec. 31, 1834.

(A)

ENGINEER'S REPORT—WABASH SURVEY.

TO THE BOARD OF CANAL COMMISSIONERS.

GENTLEMEN—

The undersigned herewith respectfully present the results of the surveys and examinations on both sides of the Wabash river, from Logansport to the Tippecanoe, which have been made in pursuance of an order of your Board.

Station No. 1963, of the Wabash survey, which is near the upper part of the town of Logansport, was selected as the proper point to commence the comparative survey, above which the line will not be effected by any change that may be made in the route below.

NORTH SIDE.

A few chains from the place of beginning, the line crosses Eel river by means of an aqueduct, at a point highly favourable for this purpose, as the bed of the stream is composed of solid rock, and the adjoining banks are so elevated as to require but little embankment. From the rapid descent of the river at this point, its floods cannot rise to a great height, and the level adopted is so far above high water mark as to diminish, in some degree, the hazard of crossing.

The rocky bluffs on the north bank of the Wabash, between Eel river and Georgetown, have been avoided in the location, by keeping up the level and passing through a range of small wet prairies which extend as far down as Crooked creek, in a direction parallel with the river. A large saving in cost is effected, and a safer line obtained by this change from the original survey.

Below Georgetown the line continues on favorable ground to the head of Ballard's Bluff, about five miles above Delphi. On this portion of the route, Crooked creek, Burnett's creek, and Rattlesnake, are crossed, each requiring a culvert equal to twenty feet span, which must be built of timber. This sub-division may be cheaply constructed, and with the exception of the wooden structures just named, will require but little repairs.

At the head of Ballard's bluff, the character of the country through which the line passes, is essentially changed. The alluvial bottom which above this point presents a favorable route, is here terminated by the immediate contact of the river with the high bluff that skirts its valley, and the construction of a canal for the next four and a half miles, will involve a heavy expense. A short distance below Ballard's bluff, two other similar points are presented, making in all one mile and sixty-two chains of washed bank, along which the canal must be

formed by an embankment in the river, protected from the flood by a covering of stone. These bluffs form much the largest item of cost belonging to the north side.

At the head of Deer creek prairie, the bluff recedes from the river, leaving favorable ground for the location of a canal to the Erie bluff near the termination. The former survey was extended to the lower end of this bluff, but from soundings taken, it is ascertained that there is sufficient depth of water for the river boats to pass to the upper end of the washed bank at all times, when they can reach the lower end; and the necessity of constructing the canal along this difficult pass is, therefore, not perceived, unless it be with a view to its extension further down the river than the mouth of the Tippecanoe.

The cost of the canal on the north side, is estimated as follows, namely:—

From the diverging point at Logansport to the west bank of Eel river, 57 chains	\$24,140 72
Thence to Georgetown, 8 miles 17 chains	66,500 69
Thence to head of Ballard's bluff, 10 miles 7 chains	83,457 54
Thence to termination, 9 miles 15 chains	199,205 66
Total, 28 miles 16 chains	\$373,304 61

SOUTH SIDE.

Beginning at the diverging point, the line crosses the Wabash at the island near the upper part of the town of Logansport, where two separate aqueducts will be required, both of which will be founded on solid rock. The crossing here is rendered more expensive by the division of the river into two channels, which makes it necessary to build two additional abutments. A high embankment will be required both on the island and on the north bank of the river.

After crossing the river, the line passes over favorable ground to Simons' bluff, a distance of about two and a half miles; but from this point to Georgetown, the route is less favorable, as the river in several places, runs at the base of high rocky points, leaving no other method of forming the canal than by excavating the rock and earth from the hill, and forming with these materials an embankment in the river. Levels were taken with a view of finding a route back of these cliffs, but without success. A large amount of rock excavation must be encountered on this portion of the line, which, together with other obstacles mentioned, will make it very expensive.

Below Georgetown, the high ground recedes from the river, leaving in most places, a wide alluvial bottom, along which a cheap and safe line has been located to Delphi. Keep's creek, Hoover's creek, and Rock creek are crossed on this sub-division. The two first named, by means of culverts, each equal to twenty feet span; and the other by an aqueduct of two spans of twenty-eight feet each, all of which must be built of timber. The expense of constructing this portion of the

canal will be light, and the cost of repairs but little, if we except the rebuilding of the wooden structures mentioned.

From Delphi to the termination, the construction of a canal will be attended with great cost. The first expense is the crossing of Deer creek, which will require an aqueduct with three spans, each forty-five feet, the abutments and piers for which, as well as the trunk, must be formed of timber. Soon after crossing, some deep cutting is presented with a small amount of slate rock in the bottom, which, however, does not form a serious difficulty, and is encountered for the purpose of avoiding an abrupt slate bluff, washed at its base by Deer creek. About three miles below Delphi, the Falling Spring bluff commences, which presents the most serious obstacle to the construction of the canal found on either side of the river. The hill which is high and abrupt, is composed partly of slate rock and partly of earth, out of which materials, a heavy embankment must be formed in the river, and and protected by a coating of stone. The whole length of the bluff is one mile and a quarter. Below this, no difficult or expensive line is met with to the termination.

As a comparison between the two sides of the river, is the main object of the survey, it would seem that opposite points should be selected for closing the comparative surveys and estimates. But on examination, this was found impracticable, if any regard be paid to the convenient transfer of the trade from the canal to the river boats; for it is uniformly the case on this part of the Wabash, that a high bank on one side, is opposite to an overflowed bottom on the other. There are but two points in this vicinity, on the south side, that offer the necessary facilities for a connection with the river; one of which is a short distance below the end of the canal grant, and the other about one and a half miles above that point.

The latter place was preferred for the termination of the comparative survey and estimate, from the fact that it is more nearly opposite to the point selected on the north side, and on that account would make a fairer comparison. It was also ascertained from soundings taken, that the water is of such depth as to allow the river boats to reach the upper point as readily as the other.

The cost of the Canal on the south side may be estimated as follows, namely:—

From the diverging point to the south bank of the Wabash, thirty-three chains	\$51,814 93
Thence to a point nearly opposite Georgetown, eight miles fifty chains	120,899 85
Thence to Delphi, thirteen miles thirty-seven chains	93,243 20
Thence to termination, four miles forty-nine chains	170,870 15
Total, twenty-seven miles nine chains cost	\$440,828 13
Total cost on north side	373,304 61
Difference on cost in favor of north side	\$67,523 52

It is proper to remark here, that these estimates shew the true difference in cost, if considered in reference merely to the original plan of terminating the canal at or near the Tippecanoe; but if the subject be viewed with regard to its further extension, in that case, the comparative estimates should be extended to the boundary of the canal donation, in order to place both sides on an equality, which will reduce the above difference to \$38,152 36, in consequence of the greater expense on the north than on the south side for this additional distance.

Near Logansport it is supposed that stone can be procured for the abutments and piers of the aqueducts, and they are, accordingly, estimated upon this plan. Three locks on each side of the river, in this vicinity, are also estimated of stone. But after leaving this part of the line, all the mechanical structures must be built of timber, as no stone has been discovered, except such as are only suitable for protection or rough slope walls. The aqueduct trunk across the Wabash or Eel river, will be constructed of timber. The one across the Wabash will be 616 feet including both channels; and that over Eel river 336 feet in length. The whole amount of lockage embraced in these surveys and estimates is 66 feet, which is overcome by eight locks; and the lockage is the same on either side of the river. The most expensive structures embraced in these estimates and plans, both in cost of construction and repairs, are the aqueducts over the Wabash and Eel rivers; the former belonging to the route on the south, and the latter to the north side. Crossing large streams like these, must necessarily expose the canal to some danger, especially when they are subject to ice floods; and it is impossible to adopt any plan of crossing, which will entirely remove the liability to interruption in the navigation and expensive repairs. But whatever expense or hazard there may be in sustaining an aqueduct over either of these streams, it will be greater in crossing the Wabash than Eel river, inasmuch as its floods rise higher and must bring down larger quantities of ice and drift.

The expensive character of the line on the south side of the Wabash between Logansport and Georgetown, suggested the propriety of an examination with a view of crossing the river at the latter place. It appears from the examination given, that a saving of \$19,370 51. can be effected on this plan, and it is believed that the aqueduct will be much safer than one at Logansport, for the fact that the river rises less, is of greater width, and less subject to obstructions from ice freshets. Upon this line, however, both Eel river and the Wabash must be crossed, and the great length of the aqueduct trunk required, which must be composed of perishable materials, will form an objection to the plan of crossing at Georgetown.

A plan of crossing the Wabash about five miles above Delphi by means of a dam and towing path bridge, has also been examined. Upon this plan the canal would pursue the north side, following the route heretofore described, to the head of Ballard's Bluff, where it would cross in the pool of a dam to be built at Rock Ripple, four and a half miles below the point of crossing. After crossing the river the same pool would be used as a canal, by making a towing path on the

south bank for two miles and sixty-two chains, where the canal would enter a bayou, which extends nearly to the mouth of Deer creek, a distance of two miles and fifty-three chains. This bayou, for a great part of its length, is already sufficiently deep, and with some excavation at the lower end, and a guard lock and guard banks at the upper end, would make a perfect canal, varying from forty to a hundred feet wide at top water line. A short distance from the lower end of the bayou, the line crosses Deer creek near its mouth, which would also be passed by a dam and towing path bridge. One mile and a half below Deer creek, the line approaches Falling Spring Bluff, where it unites with the line that crosses at Logansport, and from this point the expense of the two routes is the same.

If it be deemed advisable to cross the Wabash on a dam at any point, the situation here selected is highly favorable for the purpose. The dam which is eleven feet high, and will raise the water seven feet at the point of crossing, will be built on a rock foundation, and though, not entirely free from casualty, would nevertheless be comparatively secure if properly constructed; and the bayou just described, offers a favourable opportunity for leaving the river without deep cutting. The saving on this plan, when compared with the cost of crossing the Wabash at Logansport by an aqueduct, will be \$51,930 21.

There are evils attending the plan of crossing in the pool of a dam, when compared with an aqueduct, which must not be overlooked.

During high water the canal boats would be exposed to the current of the stream, which would doubtless cause difficulty and delay, and in extreme floods the crossing would perhaps be impracticable for a few days. The apprehension of danger and vexatious delay arising from these contingencies, will, in some degree, injure the business, and consequently the usefulness and profits of the canal, so far at least as relates to the conveyance of passengers. There cannot, however, be much risk of property, especially as the point of crossing is four and a half miles above the dam.

On the other hand, it may be mentioned as an advantage belonging to this mode of crossing, over that of the aqueduct, that there will be less danger of a total suspension of navigation for any great length of time as the dam on a rock foundation, must be a safer structure than an aqueduct across a river subject to dangerous accumulations of ice, as the Wabash is said to be. The towing-path bridge as well as the aqueduct, will be liable to injury from the same cause; but this would prove less fatal to navigation, as some other expedient might be adopted for passing boats across until the bridge could be repaired, whilst the destruction of the aqueduct would probably cause a total suspension of navigation for some time.

For the purpose of presenting at one view, the whole subject, it may be proper to make the following recapitulation of plans and estimates, viz:

PLAN No. 1.

A canal on the north side from Logansport to termination, crossing Eel river by an aqueduct,	} Length 28 miles 16 chains, cost \$373,304 61.
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PLAN No. 2.

A canal crossing the Wabash at Logansport by an aqueduct, and thence following the south side to termination, } Length, 27 miles 9 chains,
cost \$440,828 13.

PLAN No. 3.

A canal on the north side to Georgetown, crossing the Wabash on an aqueduct at that place, and thence following the south side to termination, } Length 27 miles 13 chains,
cost \$421,457 62.

PLAN No. 4.

A canal on the north side to the head of Ballard's Bluff, thence across the Wabash in the pool of a dam to be built at Rock Ripple, four and a half miles below the point of crossing, thence using the same pool as a canal with a towing path on the bank for two miles and sixty-two chains, thence a perfect canal to termination, passing through the Delphi bayou, } Length 27 miles 73 chains,
cost \$388,897 92.

The estimates as above stated, include in every case, an addition of 7 per cent, to cover the cost of superintendence and contingencies. The cost of each particular section may be seen by reference to the accompanying abstract.

A map of the Wabash valley from Eel river to the Tippecanoe, shewing the several canal routes described, is herewith presented.

In making the various surveys, estimates and maps, which have engaged the locating party during the past season, essential service has been rendered by Messrs. Davis and Ball, Assistant Engineers, the former as leveler, and the latter as surveyor. The accuracy with which their various duties have been performed, and their unremitting industry and attention to business, merit the highest praise.

Respectfully submitted.

J. L. WILLIAMS, } Engineers
WM. GOODING, }

Indianapolis, Dec. 27, 1834.

ABSTRACT of Estimates of the Wabash and Erie Canal below Logansport.

NORTH SIDE.

No. Sect.	Chains.	Lockage.	COST.	
1	57		\$22,561 42	Crossing Eel river.
2	94		5,235 69	
3	81	10	12,839 65	Lock No. 22.
4	81	8	12,484 15	Lock No. 23.
5	84		6,111 04	
6	81		4,716 11	
7	81		3,265 00	
8	84	8	13,512 19	Lock No. 24. Crosses Crooked creek.
9	81		3,986 35	Passes Georgetown.
10	81		5,053 05	
11	81		3,679 51	
12	81		4,314 34	
13	90	9	16,260 91	Crosses Burnett's creek. Lock No. 25.
14	78	10	9,985 36	Lock No. 26.
15	78		5,240 01	
16	78	6	7,323 94	Lock No. 27.
17	81		9,321 54	Crosses Rattlesnake creek.
18	81		7,278 94	
19	78	8	9,640 10	Lock No. 28.
20	84		9,719 56	
21	96		74,730 43	Ballard's bluff.
22	81		8,075 33	Crosses Pleasant run.
23	90		35,213 69	Chamberlain's bluff.
24	66		5,318 43	
25	81		35,351 47	Deer creek bluff.
26	81	7	7,750 89	Lock No. 29.
27	81		4,886 90	
28	75		5,176 82	
To. 2,256		66	348,882 82	
Add			24,421 79	7 per cent. for contingencies, &c.
Total cost,			\$373,304 61	Average cost per mile \$13,237 75.

Abstract of estimates of the Wabash and Erie Canal below Logansport.

SOUTH SIDE.

No. Section.	No. Chains.	Locks.	COST.	
1	33		\$ 48,425 17	Crossing the Wabash.
2	36		2,346 22	
3	39	9	12,081 24	Lock No. 22.
4	42		2,441 27	
5	42		1,883 36	
6	42		2,491 22	
7	48	10	18,239 09	Simon's bluff—Lock No. 23.
8	33		1,410 94	
9	78		3,873 00	
10	42		12,130 82	Neff's bluff.
11	39		18,961 99	
12	39		2,799 16	
13	39		5,253 56	
14	51		10,281 05	
15	33	8	7,655 55	Lock No. 24.
16	45		3,284 57	
17	42	8	7,857 47	Lock No. 25.
18	84		6,563 27	Crosses Keep's creek.
19	87		9,363 33	
20	81		7,187 54	
21	81		8,256 73	Crosses Hoover's Creek.
22	42	8	9,713 58	Crosses Rock cr'k.—Lock No. 26.
23	39		2,542 47	
24	84		5,062 56	
25	39	8	7,930 93	Lock No. 27.
26	42		2,047 04	
27	87		5,797 05	
28	84		4,131 07	
29	84		4,633 87	
30	81		3,628 50	
31	81		4,154 44	
32	42		3,044 79	
33	39		3,089 01	
34	45	9	15,497 71	Crosses Deer cr'k.—Lock No. 28.
	1,845	60	\$264,056 57	Amount carried forward.

Brought over—

	1,845	60	\$264,056 57	
35	36		2,082 96	
36	81		10,732 95	
37	69	6	8,018 17	Lock No. 29.
38	99		119,021 38	Falling Spring bluff.
39	39		8,076 88	
To. 2,169		66	411,988 91	
Add			28,839 22	7 per cent. for contingencies, &c.
Total cost			\$440,828 13	Aver. cost per mile \$16,260 72.

(B)

ENGINEERS' REPORT—WHITE WATER SURVEY.*TO THE GENERAL ASSEMBLY OF THE STATE OF INDIANA:*

In compliance with an order from the Board of Canal Commissioners, founded upon an act of the last General Assembly, the undersigned have made a careful examination and survey of the White Water valley, with a view to the construction of a canal, and now respectfully submit the results.

The upper part of the route, as far down as the vicinity of Somerset, is unusually favorable to the construction of a canal, except the lockage, which forms the principal item of expense on this part of the line. The valley is depressed but little below the general level of the country, and the descent towards the river, in most cases, is remarkably gentle and uniform, presenting the most favorable slopes for the location of a canal, with reference both to cheapness of construction and safety when completed. But the descent of the river through this part of the valley, and indeed through its whole course, is so extremely rapid that the canal where it might otherwise have been very cheaply constructed, will be rendered expensive by the great amount of lockage. In descending the White Water, its valley becomes deep and narrow, and the slope of the adjoining hills more abrupt. The river, in its serpentine course through the valley, frequently washes the base of these hills, presenting at each point of contact an expensive section of canal. Some of these washed banks are composed of a kind of clay which is liable to slip; and at such points it will be necessary to guard against this evil by forming the canal principally in the channel of the river, so that the present base of the hill will not be diminished, but rather increased by the operation of constructing the canal. The outer slope of the bank must be protected from the abrasion of floods by a thick covering of stone procured from the adjoining hills and ravines; and in some instances it will be necessary to enlarge the river channel on the opposite side, to give sufficient space for the floods. A short distance below Harrison, the hills recede, leaving a highly favorable route for the canal to the Ohio, through the wide alluvial bottom of the Miami.

In commencing the survey at the mouth of Nettle creek, the first question that presented itself, was in regard to the relative advantages of the two sides of the river. The fact that all the principal tributaries of the White Water are received from the east side, and must be crossed by the Canal, if that route were selected, seemed to indicate the west side as the proper route.

Accordingly the survey was commenced and continued on the west side, passing through the towns of Milton and Connersville to Somerset. From this point to the mouth of the east fork, the east side was suppos-

ed, from the hasty examination made, to be so much more favorable, as to justify the expense of crossing and re-crossing the river. The line surveyed, therefore, crosses to the east side near Conwell's mill, and re-crosses at Brookville. Both crossings will be effected by means of wooden aqueducts, supported by stone abutments and piers. From Brookville, the line follows the west side to Lawrenceburg, where it terminates in a basin near the bank of the Ohio. But it is a question worthy of examination, whether a cheaper line could not be obtained, by continuing further down on the east side, and crossing about four miles below Harrison; and the propriety of the survey of this route previous to the construction of the canal, is here suggested. The time allotted to the examination, did not admit of a careful survey of both sides. The total distance from the mouth of Nettle creek to the basin at Lawrenceburgh, is seventy-six miles and forty nine chains, and the total descent four hundred and ninety-one feet; which is overcome by fifty-five locks, distributed to suit the inclination of the valley.

The supply of water for the canal, must be drawn from the White Water, which can be introduced as often as necessary, and with very little expense. In the survey which has been made, seven dams, varying from two to four feet in height, have been located, and their cost, together with that of the feeders, included in the estimates.

On the 5th of October last, the discharge of the stream was as follows, to-wit:

One mile below the mouth of Nettle creek	1,280 cubic feet per minute.
At the National Road	1,670 cubic feet per minute.
At Milton	2,900 cubic feet per minute.
At Connersville	5,670 cubic feet per minute.

These measurements show a sufficiency of water at the time they were made, as far up as Nettle Creek, but it is believed that the stream in seasons of extreme drought, furnishes less water than it passed at that time. Other means have been resorted to, with a view of collecting some further information, from which the minimum discharge of the stream could be correctly ascertained. And the facts obtained have been so far conclusive, as to remove all doubts in relation to the sufficiency of water during the driest seasons, at least as far up as the National road. Whether the canal can be supplied to Nettle creek, at extreme low water, is a question that must be settled by future examination.

North of the National Road no stone has been discovered, within reasonable distance of the line, but south of that point this material can in all cases be found. In the vicinity of Connersville and Somerset, quarries of limestone are found, from which excellent cut stone locks can be built, but the quarrying and dressing will be expensive. On all other parts of the line it is believed that stone can be obtained which will answer for building strong undressed walls, though not for cut stone masonry. Four of the locks situated above the National Road, are estimated to be built of timber; twenty-three others be.

tween Connersville and Judge Mount's, of cut stone masonry; and the remaining twenty-eight of stone and wood combined. All the streams south of the National road, except the White-water and Garrison's creek, will be crossed by permanent stone arches.

The total cost of the canal is estimated as follows, viz:

	Miles.	Chains.	Lockage.	Cost.
From the mouth of Nettle creek to National road	5	35	33.5 ft.	\$ 45,344 97
Thence to feeder No. 4, six and a half miles above Connersville	5	71	67.5	87,869 53
Thence to feeder No. 6, two and 3-fourth miles above Brookville	30	03	238.0	466,815 63
Thence to feeder No. 7, near Harrison	20	29	116.0	382,139 43
Thence to basin at Lawrenceburgh	14	71	36.0	159,956 59
Total	76	49	491.0	\$1,142,126 15

Average cost per mile \$14,908 nearly; average lockage per mile 6 4-10 feet.

These several sums include an addition of seven per cent. to cover the cost of superintendence and contingencies. For the estimates of each half mile section, reference can be had to the annexed abstract. A map of the route is also herewith submitted.

Both the law authorizing the survey, and the order of the board of canal commissioners, under which we have the honor to act, seem to require some estimate of the probable advantages to be derived from the work.

The district of country for which it is supposed this canal will form the channel of trade, is composed of the counties of Franklin, Fayette, Rush, Henry, Randolph, Hancock, and parts of Wayne, Union, Decatur, and Delaware. The country embraced is essentially an agricultural district, and from the climate and quality of its soil, as well as the pursuits and habits of its citizens, is capable of furnishing as large an amount of canal transportation, as any district of equal extent in the west. The staple productions are pork, flour, and whiskey—arti

cles for which a canal will furnish the most suitable mode of conveyance. The surplus annually taken to market is already great, and must continue to increase as additional portions of the country shall be brought under cultivation. It is the transportation of this surplus produce to market, together with the salt, iron, and various other articles of merchandize which the country demands in return, that will constitute, principally, the business of the canal; and the saving in the cost of this transportation, when compared with the present mode of conveyance, will form the prominent advantage of the work.

To ascertain with accuracy the amount of exports and imports of this district, is a task of difficulty, since the trade is carried on through so many different channels. Perhaps the method most to be relied upon, is to compare this district of country with another similarly situated, where the amount of the trade has already been determined. With this view, efforts have been made to ascertain the extent of country which trades to Dayton, at the head of the Miami canal, together with the probable amount of its trade. The similarity which exists between the two districts, with regard to the nature of the soil, the character of the products, and the occupation of the inhabitants, justifies such a comparison.

With some important aid received through the politeness of the collector at Dayton, the following facts have been obtained, viz:

1st. That the extent of country which sends its trade to Dayton and receives its supplies therefrom, is equal to about 1,519 square miles, and in 1830, contained a population of thirty-four persons per square mile.

2d. that the exports of this district, shipped from Dayton through the Miami canal, during the year ending 31st Dec. 1833, consisting principally of flour, pork, whiskey, &c. amounted to about fourteen thousand tons.

3d. That the imports received for the same district of country during the same time, consisting of salt, iron, marchandize, &c. were equal to nearly 3,000 tons, which added to the amount of exports, gives 17,000 tons as the whole trade of the district.

On referring to a table annexed, it will be seen that the extent of country which it is supposed, will trade through the White-water canal amounts to 3,156 square miles, and contained in 1830 a population of $21\frac{1}{2}$ persons per square mile. By comparison, it will be seen that the extent of country here embraced, is a little more than twice as great as that trading to Dayton; and that the population in 1830, was more than one third less.

From a calculation founded upon official documents in the office of the Auditor of State, it is ascertained that the increase of population in the White-water district, from 1830 to 1834, was thirty-three and one third per cent. and allowing the same ratio of increase to continue until the time when the canal could be completed, say 1838, it will then be about thirty-nine per square mile, which must be as great as that which the upper Miami country contained in 1833—the period when these facts were collected. The average of population then be-

ing the same, and the extent of the Whitewater district being twice as great as the district north of Dayton, it follows that its trade would be twice as great, which will give 34,000 tons as the amount of exports and imports that would annually pass through the White-water canal. But this amount of tonnage is calculated to apply to the circumstances and business of the country on the completion of the work, and must be increased as the improvements and products of the country increase.

The cost of transportation in wagons to and from the Ohio river, under existing circumstances, may be averaged at ten dollars per ton.

The canal transportation for the same distance, could not exceed \$3 50 per ton, including tolls, showing a saving of \$6 50 per ton, or an annual saving to this district of country, of two hundred and twenty-one thousand dollars.

An important advantage will be found in the water power created by the canal. Above Connersville, however, no advantage should be expected, but on the contrary, the power already in use, especially near the head of the canal, will be somewhat diminished. Here the bed of the stream is narrow, and its floods inconsiderable; and owing to these circumstances, the water in its natural channel, is susceptible of being applied to machinery with very little cost. But after the large tributaries are received, the case is different.

The stream is more subject to floods, its channel becomes wider, and the cost of building and sustaining dams is so great, as to reduce materially its value, and much of the fall will therefore remain unimproved. By turning a part of the water into the canal, the whole fall of the stream will at once be made available, and the safety and certainty of the power will be so much greater, that capitalists will be more ready to invest in valuable machinery, and the improvements will be made upon a more permanent and useful plan.

By measurement of the stream, it is ascertained that below the mouth of Green's Fork, it passes, at common low water, a considerable surplus in addition to the quantity required for the purpose of navigation. From the feeder above Conuersville, it will be practicable to introduce, say 2,200 cubic feet per minute for hydraulic purposes, and by replenishing the canal at the several feeders below, the same surplus may be continued throughout the whole length of the line, without serious injury to the existing improvements on the river, affording a valuable water-power at each lock. Between Connersville and Harrison, there are thirty-nine locks, averaging nine feet lift. The results of actual experiment show that on a fall of nine feet, three hundred and sixty cubic feet per minute will drive a pair of four and a half feet mill stones, which gives a power at each lock sufficient for six pairs, or two hundred thirty-four pairs on this portion of the line. One fourth of this power will be at and near Connersville, and the remainder distributed throughout the line. On the lower part of the canal, a greater amount of power may be safely relied upon, as the stream is much larger after receiving the east fork. From the Harrison feeder, the quantity of water introduced may be limited only by the capacity of the canal to convey it. It may be safe to say that four thousand five

hundred cubic feet may be delivered at Lawrenceburgh, and be used also at each lock on its passage down. On this portion of line, there are four locks, averaging nine feet lift; at each of which twelve pairs of mill stones may be driven, or forty-eight pairs at the four locks. From the level of the basin in Lawrenceburgh, to low water of the Ohio, is probably fifty feet. Throwing off one half of this, which will be rendered useless by the floods, and there will remain a fall of twenty-five feet. Dividing this into two falls of twelve and a half feet each, there will be water sufficient to propel at each fall, eighteen pairs of stones or thirty-six pairs at both.

If these premises and computations be correct, the power which might be brought into use on the whole extent of the canal, would be sufficient to keep in motion three hundred and eighteen pairs of mill stones, or other machinery to an equal amount.

It is not to be supposed that all of this power would be immediately brought into use, yet a large portion of it could be profitably employed soon after the completion of the work, and the remainder would be improved as the increase of business might warrant. The current that would be given by the passage of the surplus water in the canal, would rather improve than injure the navigation, inasmuch as the descending freight will greatly exceed that which will ascend the canal. The value and usefulness of the work would be increased by the employment of the water power.

Besides being a direct source of revenue in itself, it would add to the revenue of the canal by increasing the business and trade of the country. It is an important advantage that canals have over every other species of internal improvement, that while they furnish a safe and cheap conveyance to market for the surplus products of the country, they also put in motion along their banks, the necessary machinery for the manufacture of these products.

Perhaps some of the greatest benefits to the State; from the construction of the canal, will be found in the encouragement it will afford to the settlement and cultivation of lands that are now unproductive; in the stimulus that will be given to every branch of agricultural and mechanical industry; and the inducement that will be offered to the introduction of capital which will add to the wealth of the State, and be employed for the benefit of its citizens.

All which is respectfully submitted.

J. L. WILLIAMS, }
WM. GOODING, } *Engineers.*

Indianapolis, Dec. 23, 1834.

Abstract shewing the Cost of the White Water Canal.

No. Sec.	Chains.	Lockage.	COST.	
1	39		2,737 80	Including Dam No. 1.
2	42		1,310 25	
3	39		1,662 12	
4	42	10	7,259 52	Lock No. 1.
5	42		2,355 06	
6	42	8	5,748 25	Lock No. 2.
7	42		1,988 32	
8	48	7	10,298 24	Dam & feeder No. 2. Lock 3.
9	42		2,288 50	
10	42	8.50	6,730 42	Lock No. 4.
11	45		2,562 51	National Road.
12	39		1,730 47	
13	24		9,338 05	Crossing T. Simons' Creek.
14	42		1,855 95	
15	42		1,726 76	Passing Milton.
16	30	26	22,230 28	Locks Nos. 5, 6, and 7.
17	42	9	11,158 94	Lock No. 8.
18	39		2,127 88	
19	42	8	7,835 67	Lock No. 9.
20	42		1,440 53	
21	42	10	8,933 52	Lock No. 10.
22	42	8	7,180 50	Lock No. 11.
23	42	6.50	10,106 57	Lock No. 12. Dam & feed'r 4.
24	42		3,609 95	Crosses Shaker run.
25	42		2,222 54	
26	42		3,195 79	
27	42		1,853 00	
28	42		1,678 74	
29	42		2,049 18	
30	45		6,029 03	
31	42		1,740 23	
32	42	8	9,468 14	Lock No. 13.
33	42	8	9,084 94	Lock No. 14.
34	42	8	8,964 63	Lock No. 15.
35	33	16	16,281 13	Locks 16 & 17. Connersville.
36	36	9	9,754 04	Lock No. 18.
37	45	16	16,031 60	Locks No. 19 and 20.
38	42	6.50	7,862 88	Lock No. 21.
39	42	6	12,287 38	Dam & feed r No. 5. Lock 22.
40	42		1,827 80	
41	42		2,857 73	
1680	178.50		\$247,404 84	Amount carried over.

Brought over.

		1680	178.50	\$247,404 84	
42	42	9	\$ 15,185 09	Crosses Williams' creek. Lock	
43	42		4,364 24	Crosses Fall creek.	[23.
44	42		3,377 01		
45	42	8	9,149 91	Lock No. 24.	
46	42	8	9,135 10	Lock No. 25.	
47	39		2,273 73		
48	42		4,758 00		
49	42	10	11,693 82	Lock No. 26.	
50	36		9,584 80		
51	36	10	11,769 09	Lock No. 27.	
52	42		4,509 85		
53	39	8	16,345 80	Crosses Garrison's creek. Lock	
54	42	10	11,191 30	Lock No. 29.	[28.
55	42		2,810 46		
56	45		5,319 70		
57	36		4,603 28		
58	30	10	23,462 87	1st crossing White Water.	
59	42		5,252 69		[Lock 30.
60	45	10	10,979 14	Lock No. 31.	
61	42		6,601 74		
62	42		4,186 64		
63	42	10	14,012 77	Lock No. 32.	
64	42		6,156 06		
65	39	10	10,447 23	Lock No. 33.	
66	42		2,105 03		
67	42		1,377 98		
68	42		3,295 44		
69	36	9	21,471 36	Crosses Duck creek. Lock 34.	
70	42	10	10,867 13	Lock No. 35.	
71	42		1,113 76		
72	42		1,851 64		
73	42		3,499 80		
74	42	10	10,217 08	Lock No. 36.	
75	39		3,660 57		
76	42		4,453 96		
77	42	10	10,782 24	Lock No. 37.	
78	42		5,516 05		
79	42	8	14,557 63	Lock No. 38.	
80	39		1,618 09		
81	36	10.50	9,792 11	Lock No. 39.	
82	42		13,307 87	Dam & feeder No. 6. Franklin	
83	42		4,815 12	factory.	
84	42		3,596 58		
85	42		2,938 11		
86	39		3,381 13		
		3516	339	\$ 588,814 67	

Brought up—

	3516	339	\$588,814 67	
87	36	10	\$24,858 19	2d crossing White Water. Lock
88	42		15,247 32	Brookville. [No. 40.
89	42		10,921 98	
90	42		11,261 07	
91	42		3,822 40	
92	42	18	16,934 29	Locks No. 41 and 42.
93	42		8,125 17	
94	42		4,271 76	
95	42		8,575 45	
96	42	9	9,304 82	Lock No. 43.
97	42		15,617 85	
98	42	10	14,990 56	Lock No. 44. Crosses Goble's creek.
99	42		7,069 81	
100	42		6,953 58	
101	42		6,850 17	
102	42		3,073 21	
103	42	10	14,828 28	Lock No. 45.
104	42	8	12,818 04	Lock No. 46.
105	42		10,967 30	
106	39		4,706 94	
107	42		2,798 69	
108	42		7,046 98	
109	36	10	8,179 96	Lock No. 47.
110	42		9,890 16	
111	42		7,856 61	
112	42		8,018 19	
113	42	10	10,570 11	Lock No. 48.
114	42		4,289 32	
115	42		2,558 41	
116	42		7,938 59	Crosses Logan's creek.
117	42	10	11,611 57	Lock No. 49.
118	42		3,402 75	
119	36		1,553 52	
120	42		8,103 07	
121	36	21	24,784 73	Dam & Feeder No. 7. Lock 50 &
122	42		21,436 36	[51, opposite Harrison.
123	42		3,687 69	
124	42		12,239 73	
125	39		6,189 10	Crosses Jamison's creek.
126	42		2,681 77	
127	42		5,719 44	
128	42	10	8,727 48	Lock No. 52.
129	42		3,934 24	
130	42		2,071 56	
131	42		2,737 29	
5376 465			\$989,040 17	Carried over.

Brought over.

	5376	465	\$989,040 17	
132	42		\$ 3,315 89	
133	42	14	16,848 16	Locks No. 53 and 54.
134	42		1,740 51	
135	42		4,502 12	Crosses Sand creek.
136	42		1,599 77	
137	42		3,959 60	
138	42		1,174 24	
139	42		1,383 99	
140	42		5,957 03	
141	22		2,206 97	
142	42		3,666 80	
143	42		2,640 04	
144	42		1,702 30	
145	42		3,171 38	
146	42	12	10,222 76	Lock No. 55.
147	42		3,360 10	
148	42		3,110 96	
149	39		7,804 86	Basin at Lawrenceburgh.
	6129	491	\$1,067,407 63	
<i>Add 7 per cent. for superintendence and contingencies,</i>			74,718 52	
Total,			\$1,142,126 15	Average, per mile, \$14,908 nearly.

Indianapolis, Dec. 23, 1834.

TABLE shewing the probable extent of country for which the White Water Canal will form the channel of trade.

Counties.	Square miles.	Inhabitants in 1830.	
Franklin,	405	10,199	
Fayette,	212	9,112	
Rush,	400	9,918	
Henry,	440	6,498	
Randolph,	440	3,912	
Hancock,	340	1,569	
Wayne $\frac{1}{2}$,	315	17,058	
Union $\frac{1}{2}$,	84	3,979	
Decatur $\frac{1}{2}$,	300	4,390	
Delaware $\frac{1}{2}$,	220	1,186	
	3,156	67,821	Average 21 $\frac{1}{2}$ per square mile.

TO THE HON. JAMES GREGORY,

Speaker of the House of Representatives :

Sir: In obedience to the resolution of the House of Representatives of December the 30th, 1834, the undersigned have the honor to state, that in order to make examinations of such subjects as were connected with, and dependent on the termination of the Wabash and Erie canal, near the mouth of the Tippecanoe, it became necessary to extend the Wabash surveys below the Tippecanoe and Wild-cat rivers, and being in the vicinity, these surveys were taken to Lafayette.

The description of the route of this survey, on the south side of the Wabash, we here subjoin.

At Americus, a short distance below the boundary of the canal grant, a low slate bluff is encountered, which extends about twenty chains. Instead of running the line at the base of the bluff, as at those above, a deep cut is here preferred, as it will not increase the cost, and the perfect safety of the canal is secured. No other obstacle is found on the route between this point and the Birmingham bluff, except Sugar creek, which will be crossed by a culvert of twenty-four feet span, and Buck creek by a culvert of fourteen feet span, both of which must be built of timber.

About five and a half miles below Americus, the Birmingham bluff commences and extends eighty-seven chains, forming by far the greatest obstacle to the construction of the canal, found between the boundary of the canal grant and Lafayette. The canal here, as at Falling Spring bluff, will be made by forming an embankment in the river, which will require protection. As there is no stone convenient to this place, brush protection has been estimated.

After passing Birmingham bluff, the next obstacle presented, is the crossing of Wild-cat, which must be effected by means of a dam; as from the unfavorable nature of the ground above this point, the level cannot be kept sufficiently high to pass this stream on an aqueduct, without involving a very great expense. But the objections to this mode of crossing, it is believed, will be balanced by the valuable water power, that will by this means be obtained at Lafayette, which will be sufficient to drive thirty pairs of four and half feet mill-stones; and from the rapid growth of the town, and the great improvements that are making in the extensive and fertile country around it, all this power will in a few years be brought into use, and the moneys arising from the rents and sales of the water, will pay a considerable portion of the interests of the money necessarily expended in the construction of the canal from Tippecanoe to Lafayette.

From the crossing of Wild-cat, a favorable route for the canal, may be obtained to Lafayette, where it would terminate in a basin, at a point highly favorable for the transfer of freight from the canal to the river boats.

The cost of the canal is estimated as follows—

From the termination of the survey on the south side, as described in the Engineer's report of December 27, 1834, to Lafayette, fourteen miles and five chains, lockage six feet, cost	\$ 176,964 48
Add for stone protection at Birmingham bluff, which will be required within three years after the comple- tion of the work, when the stone can be brought in canal boats	26,964 00
Total cost	\$ 203,928 48

There has been no particular survey on the north side of the river, but from a cursory examination made, it is very evident, that the construction of a canal on the north side would involve a much heavier cost than of the south side. The crossing of Tippecanoe would be much more expensive than the crossing of Wild-cat; and besides this, there are three expensive washed banks or bluffs; the first of which is the Erie bluff above the Tippecanoe; the second at the Prophet's town, and the third below Davis' ferry;—the combined length of which is two miles and forty-four chains, which exceeds the length of bluff on the south side by ninety-seven chains. At all other points not here noticed, the cost will be about the same as on the other side of the river.

Estimating from the data here given, it was sufficiently ascertained that the difference in favor of the south side, for the distance above described, will vary but little from \$80,000, which precluded the necessity of the labor and expense of an accurate survey.

Which is respectfully submitted.

D. BURR,
SAM'L. LEWIS,
J. B. JOHNSON.

Indianapolis, Dec. 31, 1834.

Which was read and referred to the committee on canals and internal improvements.

Mr. Davis moved that 2000 copies of said report be printed for the use of the members of this House—1,500, 1000, and 500 were severally proposed.

The question was thereupon put, on printing 2000 and 1,500, respectively, and decided in the negative.

The question was then put, shall 1000 copies be printed?

And passed in the affirmative.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Howell, from the joint committee of enrolled bills, reported that

they on this day presented to his Excellency the Governor, for his approval and signature, the bills which originated in the House of Representatives of the following titles, to wit:

No. 10—an act legalizing the election of probate judges;

No. 27—an act for the relief of Moses Strong;

No. 35—an act for the relief of John G. Davis, former collector of Park county, and John G. Kendall, of Decatur county;

And a memorial and joint resolution, that originated in the House of Representatives, entitled as follows, to wit:

No. 23—a memorial and joint resolution of the Legislature of the State of Indiana, relative to the propriety of declaring Lafayette on the Wabash river, a port of entry.

Mr. Stanford, from the committee on the Affairs of the town of Indianapolis to which was referred the report of the Agent of State for the town of Indianapolis, reported

A joint resolution (No. 115) relative to the Governor's Circle and certain lots in the town of Indianapolis;

Which was read the first time and passed to a second reading.

Mr. Vawter made the following report:

The committee on Roads to which was referred the letter of Isaac Condie asking an appropriation on the state road from Andersonville to Shelbyville, and for an appropriation of money to build a bridge on said road over Flat Rock, have according to order had that subject under consideration and have directed me as their chairman to report that it is inexpedient to grant the request of the petitioner—and ask to be discharged from the further consideration of the subject;

Which was read, and

On motion of Mr. Bigger,

Ordered, That the same do lie on the table.

Mr. Vawter made the following report:

The committee on Roads, to which was referred the petition of Chester D. Granger and others, asking an appropriation out of the general road fund for the payment of expenses incurred in laying out and opening a state road from Strawtown, in Hamilton county, to Miamiesport, in Miami county, have according to order had the subject matter therein under their consideration, and have directed me to report that it is inexpedient to grant the prayer of the petitioners—and ask to be discharged from the further consideration of the same;

Which was read, when;

Mr. Hannaman moved to re-commit the same to a select committee with instructions to report a bill in accordance with the prayer of the petitioners;

Which motion did not prevail.

Said report was then concurred in by the House.

Mr. Vawter made the following report:

The committee on Roads, to which was referred a resolution of this House directing the same to inquire into the expediency of so amending the law on that subject (Roads) as to require supervisors of roads to make and file a written return of their acts as such supervisors be-

fore the boards doing county business for the proper county, &c., &c., have according to order had the same under consideration, and have directed me to report a bill entitled

A bill (No. 116) amendatory of an act for opening and repairing public roads and highways, approved Feb. 10, 1831;

Which was read the first time and passed to a second reading.

Mr. Hannaman, from the committee on Roads to which was referred a petition on that subject, reported

A bill (No. 117) to authorize the location of a state road from Indianapolis to Peru the county seat of Miami county;

Which was read the first time and passed to a second reading.

Mr. Stafford, from the committee on Roads to which was referred a petition on that subject, reported

A bill (No. 118) to establish a state road from Alexander Cox's, in Morgan county, to Indianapolis;

Which was read the first time and passed to a second reading.

Mr. Wallace made the following report:

The committee on the State Bank of Indiana, to which was referred the resolution directing them to inquire into the expediency of making a change in the eleventh and twelfth districts of said bank, have had the same under consideration, and directed me to report a bill entitled

A bill (No. 119) to amend the 3d section of an act entitled an act establishing a State Bank;

Which was read the first time and passed to a second reading.

Mr. Walker, from the select committee to which were referred sundry petitions on that subject, reported

A bill [No. 120] providing for the re-location of the seat of justice in the county of Dearborn, and for other purposes;

Which was read the first time and passed to a second reading.

Mr. Culbertson made the following report, which was read and concurred in:

The select committee, to whom was referred the petition of Joseph Wilhite praying for a divorce, have had that subject under consideration, and have directed me to report that it is inexpedient to legislate on that subject at this time.

Mr. Shaw, from the select committee to which was re-committed the bill [No. 58] to amend an act entitled an act to subject real and personal estate to execution, approved Feb. 4, 1831, reported the same with three amendments;

Which were read, when

Mr. Conwell moved to amend the same by adding thereto the following as an additional section:

"SEC. The property exempted from execution under the provisions of this act shall vest in the wife of such person, and the whole and sole right of disposing of the same shall belong to such wife; and it shall and may be lawful for her in her own name and behalf to commence, maintain, and prosecute all and any suits, pleas, and actions necessary to keep or retain possession of such property, or to recover the same or

the value thereof, from any person or persons who may have come to the possession thereof without her consent.

Mr. Smith of F. moved to postpone said bill and proposed amendments indefinitely.

And before the question was had thereon,

The House adjourned until to-morrow morning at 9 o'clock.

THURSDAY MORNING, JAN. 1, 1835.

The House met pursuant to adjournment.

The following message was received on yesterday from the Senate by Mr. Morris their Secretary:

MR. SPEAKER—

The Senate has adopted the following resolution:

Resolved, That the Senate will on Friday next, at 10 o'clock A. M., the House of Representatives consenting thereto, proceed to the election of a State Bank Director in the place of Robert Morrison, whose term of service will expire during the present session, and that the House of Representatives be informed thereof, and the adoption of a similar resolution on their part requested.

On motion of Nr. Howell, the House reciprocated the resolution of the Senate named in said message.

Ordered, That the Clerk inform the Senate thereof.

Mr. Moore, after having obtained a suspension of the previous orders of the day for that purpose, presented

A bill (No. 121,) to incorporate the Spencer Steam Mill Company;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

Mr. Kilgore, after having obtained leave, moved the following resolution:

Resolved, That a select committee composed of two from each congressional district be appointed to inquire into the expediency of repealing so much of the law now in force as requires members of Congress to be elected by districts, and if they should deem the change proper, to report a bill repealing said law and providing for the general ticket system of electing them.

Mr. Willet moved to postpone the further consideration thereof, indefinitely, when,

On motion of Mr. Smith of R.,

Ordered, That said resolution and motion to postpone do lie on the table.

Mr. Woodruff presented two petitions of John Bergen and others, praying relief to James Henderson and William Boles;

Which were severally read and referred to the committee on the judiciary.

Mr. Bigger presented a petition of Thomas Endicott and others, praying a state road from Connersville to St. Omer;

Which was read and referred to the same select committee to which were heretofore referred sundry petitions on the same subject.

Mr. Dunning presented a petition of Hiram Buskirk and others, praying an appropriation out of the three per cent. fund to improve the state road leading from Bloomington to Indianapolis;

Which was read and referred to the same select committee to which was heretofore referred a petition on the same subject.

Mr. Shank presented two several petitions of Matthew Fountain and others, praying the appointment of Commissioners on the state road leading from Rushville to Indianapolis;

Which was read and referred to the Committee on Roads.

On motion of Mr. Shank, a petition of John Surry and others, laid on the table on the 23d Dec. last, relative to the same subject, as the petition last above named, was taken up and referred to the Committee on Roads.

Mr. Carr presented a petition of Daniel Weddel and others, citizens of Jackson county, praying the passage of a law authorizing the Board doing county business in said county to increase the rates on objects of taxation for county purposes in said county;

Which was read and referred to the Committee on the Judiciary.

Mr. Wallace presented a petition of Asa Smith and others, citizens of Jefferson county, praying relief;

Which was read and referred to a select committee of Messrs. Wallace, Marshall. Vawter, Cook and Woodruff.

Mr. Wilson of V., presented the proceedings of a meeting of sundry citizens of the county of Vigo, held in the town of Terre-Haute on the 25th Dec. 1834, relative to the extension of the Wabash and Erie Canal to the Ohio river; and also the establishment of a liberal system of internal improvements throughout the State;

Which was read and referred to the Committee on Canals and Internal improvements.

Mr. Carter of C., presented a petition of Daniel Thompson and others, citizens of Carroll county, praying that a county road running from Delphi *via* Camden to the Michigan road in the direction to Logansport, may be declared a state road;

Which was read and referred to the Committee on Roads.

Mr. Ray made the following report:

The Judiciary Committee to which was referred sundry resolutions of this House, to-wit: Resolution No. 11, 17, 18, 26, 37, 47, directing them to inquire into the constitutionality of certain sections of the act entitled "an act regulating the jurisdiction and duties of Justices of the Peace," approved February 10th, 1831; and, directing them to inquire into the expediency of making several other amendments to said act, have had these several subjects under their consideration, and

have directed me to report a bill embracing the amendments contemplated by said resolutions.

The said bill entitled,

A bill (No. 122) to amend an act entitled "an act regulating the jurisdiction and duties of Justices of the Peace," approved February 10, 1831,

Was twice read (the rules of the House having first been dispensed with.)

On motion of Mr. Kelso, said bill was committed to a committee of the whole House and made the special order of the day for Saturday next.

Mr. Dunning made the following report;

Which was read and concurred in, to wit:

MR. SPEAKER—

The Judiciary Committee to which was referred a resolution of this House, directing them to inquire into the expediency of so amending the law authorizing domestic attachments and regulating the proceedings thereon, approved January 19, 1831, as to authorize the issuing of execution against other property belonging to the defendant in the attachment, than that which has been attached, if the same be not sufficient to satisfy the judgment or judgments and costs, have had that subject under consideration, and have directed me to report, that it is inexpedient to legislate upon that subject at this time, and ask to be discharged from any further consideration of the same.

On motion of Mr. Bigger, it was ordered that there be a call of the House.

And thereupon, the roll being called, the following members answered to their names, to wit:

Messrs. Bennett, Bigger, Bower, Brackenridge, Brett, Bryan, Carr, Carter of C., Chapman, Conwell, Cook, Crume, Culbertson, Curry, Curtis, Dunning, Gaddes, Green, Hargrove, Harris, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Latshaw, Leslie, Lockhart, Lowe, Marshall, McCalley, McDougle, McIntire, Moore, Nave, Newman, Parks, Puckett, Ray, Rockhill, Schooling, Shank, Shaw, Smith of R., Stafford, Stanford, Storm, Strain, Vawter, Walker, Wallace, Willet, Wilson of H., Wilson of P., Wilson of V., Woodruff, Wright, and Gregory, Speaker.

On motion of Mr. Bryan, further proceedings on said call were suspended.

Mr. Carter of C., from the Committee on roads to which was referred the petition of James Tucker and others, reported

A bill (No. 123) to establish a state road from Logansport to the town of Lagro;

Which was read the first time and passed to a second reading.

Mr. Wilson of V., after having obtained leave; presented a bill (No. 124) declaring a certain road therein named, a state road;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

Mr. Carter of C., (having obtained a suspension of the order of business) moved the following resolution;

Which was read and adopted, to wit:

Resolved, That the Canal Commissioners be instructed to report to this House without delay, the quantity of canal lands on the north side and on the south side of the Wabash river respectively, below the mouth of Eel river; and that they also report the quantity remaining unsold on each side of the Wabash below said point.

On motion of Mr. Bigger, the several orders of the day which precede bills on their third readings, were for the present postponed, and the House proceeded to consider said bills.

Engrossed bills, memorial and joint resolution of the House of Representatives, of the following titles, to wit:

A bill (No. 39) appropriating certain moneys to the incorporation of the town of Crawfordsville, to the purposes of building a market house and improving the streets of said town;

A bill (No. 40) to locate a state road from Petersburg in Pike county, to Carlisle *via* Bruceville;

A memorial and joint resolution (No. 41) relative to the establishment of a mail route from New Albany to Terre-Haute *via* Salem, Bedford, Springville, Bloomfield and Fairplay;

A bill (No. 44) to incorporate the Fort Wayne and Laporte Clay Turnpike Company;

A bill (No. 101) to establish a state road in Dearborn county;

A bill (No. 72) to transfer the appropriation of certain moneys therein named;

A bill (No. 54) granting licenses in a certain case therein named;

A bill (No. 74) providing for the holding of the terms of the Circuit Courts in the eight judicial circuit; and

A bill (No. 49) declaring a certain county road therein named a state road,

Were severally read the third time and passed.

Ordered, That said bills be entitled acts, and that the Clerk carry them together with said memorial to the Senate and ask their concurrence.

The engrossed bill (No. 38) to amend an act entitled "an act to provide a fund to encourage common schools," approved Feb. 2, 1832,

Was read the third time, and

On motion of Mr. Smith of R., laid on the table.

The engrossed bill from the Senate (No. 35) to amend an act regulating the trials for the right of property, approved February 1, 1834,

Was read the third time, when

Mr. Hoagland moved to recommit said bill to a select committee, with instructions to amend the same by adding thereto the following as an additional section:

SEC. *And be it further enacted*, That so much of the fifth section of the act to which this is an amendment, as allows of a stay of execution on the judgments mentioned in said act, be, and the same is hereby repealed;

Which motion was decided in the negative.

The question was then put, shall said bill pass?

And was carried in the affirmative.

Ordered, That said bill be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate has passed without amendment an engrossed bill [No. 107] of the House, entitled

An act for the relief of Nathan Harlan, and for other purposes, and

An engrossed memorial and joint resolution of the General Assembly [No. 91] of the House without amendment, praying a further donation of the public domain to assist in the completion of the Wabash and Erie canal, and in the construction of such other works of internal improvement as will have a direct tendency to open a line of communication between the Wabash and Ohio rivers.

Mr. Bryan moved to postpone the several orders of the day which precede bills on their second reading, and that the House do now consider said bills;

Which motion did not prevail.

Mr. Vawter made the following report, which was read and concurred in:

The committee on roads, to which was referred a resolution of this House, directing them to inquire into the expediency of amending the road law, so as to make it the duty of the boards doing county business to cause all the county roads that have or may be located according to law, to be opened at least forty feet, and put the same in good repair—have, according to order, had the same under consideration, and have directed me to report, that further legislation on that subject is unnecessary, and ask to be discharged from the further consideration of the same.

Mr. Carter of C., from the committee on roads, to which was referred a petition on that subject, reported a bill (No. 125,) to establish a State road from Logansport to the rapids of the Iroquois river.

Which was read the first time and passed to a second reading.

Mr. Chapman moved to postpone the several previous orders of the day, for the purpose of taking up the bill (No. 109,) attaching certain territory therein named, to the county of Lagrange, heretofore laid on the table;

Which motion did not prevail.

The House then resumed the consideration of the bill (No. 58,) to amend an act entitled an act subjecting real and personal estate to execution, approved Feb. 4, 1831, which was under consideration, when the House adjourned on last evening.

The question then recurred, on the pending motion made by Mr. Smith of F. to postpone the further consideration thereof indefinitely.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bradbury, Carr, Chapman, Dunning, Evans, Gaddes, Hargrove, Johnson of M., Leslie, Liston, Lockhart, McCalley, Nave, Newman, Parks, Phelps, Ray, Shank, Smith of F., Stafford, Stanford, Storm, Strain, Thompson, Vandever, Vawter, Wallace, Woodruff, and Wright—29.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bell, Bennett, Bigger, Bower, Brackenridge, Brett, Bryan, Carter of C., Conwell, Cook, Crume, Culbertson, Curry, Curtis, Davis, Green, Hannaman, Hardesty, Harris, Henkle, Hoagland, Howard, Howell, Johnson of F., Kelso, Kilgore, Latshaw, Lowe, Marshall, McDougle, M'Intire, Mendenhall, Moore, Puckett, Rockhill, Schooling, Shaw, Smith of R., Torbet, Walker, Willet, Wilson of H., Wilson of P., Wilson of V., and Gregory, speaker—47.

So said motion was decided in the negative.

Mr. Smith of R., moved to re-commit said bill and proposed amendments to the same select committee who reported it with instructions to amend the same so that the entire exemption of property from execution, shall not exceed fifty dollars in such articles as the execution defendant may select, and to provide for the repeal of all laws on that subject in force in this State.

Mr. Vandever moved that the House adjourn until to-morrow morning at 9 o'clock.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bigger, Evans, Henkle, Howard, Kelso, Liston, Puckett, Vandever, and Wilson of H.—10.

And those who voted in the negative are,

Messrs. Angle, Bell, Bennett, Bower, Brackenridge, Bradbury, Brett, Bryan, Carr, Carter of C., Chapman, Conwell, Cook, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Gaddes, Green, Hannaman, Hardesty, Hargrove, Harris, Hoagland, Howell, Johnson of M., Johnson of F., Kilgore, Latshaw, Leslie, Lockhart, Lowe, Marshall, McCalley, McDougle, M'Intire, Mendenhall, Moore, Nave, Newman, Parks, Phelps, Ray, Rockhill, Schooling, Shank, Shaw, Smith of F., Smith, of R., Stafford, Stanford, Storm, Strain, Thompson, Torbet, Vawter, Walker, Wallace, Willet, Wilson of P., Wilson of V., Woodruff, Wright, and Gregory, speaker.—66.

So said motion was decided in the negative.

And then the House adjourned until 3 o'clock, P. M.

3 o'clock, P. M.

The House met pursuant to adjournment.

The House then resumed the consideration of the bill (No. 58,) to amend an act entitled an act, subjecting real and personal estate to execution, approved Feb. 4, 1831, with the amendments pending at the last adjournment.

Mr. Brackenridge moved to amend the same by adding the following:

And so to amend the instructions as to give the wife of the debtor a right to claim the property as exempt from execution, and to secure her right in the exclusive possession, use, and enjoyment of it against her husband or any other person claiming under him in such cases and upon such conditions as shall be deemed advisable;

Which motion did not prevail.

Mr. Kelso moved to amend the instructions by striking out the word "fifty," and inserting in lieu thereof the word "sixty;"

Which motion was decided in the negative.

The question then recurred, on the motion to commit with instructions, as proposed by Mr. Smith of R.

And passed in the affirmative.

The Speaker laid before the House a communication from Harrison R. Thomas, on the subject of education.

Which was read and referred to the committee on Education.

Mr. Kelso moved to re-consider the vote taken this day on re-committing the bill (No. 58,) to amend an act entitled an act, subjecting real and personal estate to execution, approved Feb. 4, 1831, with instructions to a select committee;

Which motion did not prevail.

Mr. Vawter made the following report:

The committee to whom was referred resolutions of the House, directing an inquiry into the expediency of laying out all the unorganized territory within this State into a suitable number of counties, have, according to order, had that subject under consideration; and, although the committee are aware that objections have and may be urged against the measure, on the ground of legislating in the dark, of aiding individual speculation, in the more advantageous purchase of lands, by affording a knowledge of counties, and county boundaries. Yet notwithstanding the above objections, and many more that may be advanced, the committee are, however, of opinion that the advantages that will result to the State, strongly recommend the measure, as contemplated in said resolutions. It is believed that it will tend directly to advance settlements, to increase the population in every part of the unorganized territory; that it will have the good effect of more firmly uniting the northern, southern, and middle portions of the State together. That in addition to the increase of settlement and population, will be the increase of roads and public highways, in such directions as will give to the public, a confidence in their utility and lasting benefits; thereby affording facility and comfort to the traveller. All of which will tend to bring into the country additional

wealth—and wealth will bring with it intelligence, industry, and enterprise; all of which should be promoted by every section of the State;—but more especially that portion along, and near the line of the canal, as the productiveness of the canal, when completed, will greatly depend on the wealth and commerce of the adjacent country. The committee have therefore, disected me to report by bill entitled a bill (No 126,) laying out all the unorganized territory to which the Indian title has been extinguished in this State, into a suitable number of counties and for other purposes;

Which was twice read, (the rules of the House having first been dispensed with,) and,

On motion of Mr. Chapman,

Committed to a committee of the whole House, and made the order of the day for this day now.

On motion of Mr. Chapman,

The bill (No. 109,) to attach certain territory therein named to the county of Lagrange, and the report accompanying the same, heretofore reported by him and laid on the table, was taken up and committed to same committee of the whole House, to which was committed the bill last above named.

The House then resolved itself into committee of the whole on said bills, and after some time spent therein, the Speaker resumed the chair, and Mr. Stanford reported progress and asked leave to sit again;

Which leave was granted by the House.

And then the House adjourned until to-morrow morning at nine o'clock.

FRIDAY MORNING, JAN. 2, 1834.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from Charles Grégory a member of the Legislature of the state of Illinois, accompanied by a draft of a memorial to the Congress of the United States, relative to marine hospitals on the western rivers and lakes;

Which was read and referred to the committee of Ways and Means.

Mr. Mendenhall presented a petition of Abraham Bolser and others, praying a state road from the town of Laporte to the town of Waverly; also a petition of John I. Foster and others, praying a state road from Waverly to the state line in a direction to the Hickory creek and Fox river settlements, in the state of Illinois;

Which were severally read and referred to the committee on Roads.

Mr. Howell presented a petition of Jonathan Hervey and others, ci-

tizens of Spencer county, praying a state road from Rockport to a certain point on the state road leading from Rockport to Evansville;

Which was read and referred to the committee on Roads.

Mr. Curry presented a petition of James C. Scott and others, citizens of Montgomery county, praying a repeal of so much of the law as requires suit to be brought in the township where the defendant resides, so far as relates to said county;

Which was read and referred to a select committee of Messrs. Curry, Angle, Evans, Henkle, and McIntire.

Mr. Stanford presented a petition of William Ramsey and others, praying a re-location of the state road leading from Knightstown, in Henry county, to Hill's mill, in Rush county;

Which was read and laid on the table.

Mr. Thompson presented a petition of Robert Mitchell and others, citizens of Pleasant township in Lawrence county, praying the passage of a law authorizing the School Commissioner of said county to sell the west half of the north-east quarter of section 16, in township 6, north of range one east;

Which was read and referred to the committee on Education.

Mr. Carter of C. presented a petition of John Kistler and others, citizens of the counties of Cass and Carroll, praying a modification of the act passed 28th January, 1830, relative to sales of the Wabash and Erie canal lands;

Which was read and referred to the committee on Canals and Internal Improvements.

The House proceeded to the election of a State Director of the State Bank of Indiana in place of Robert Morrison, whose term of service will expire during the present session of the General Assembly; Messrs. Kelso and Kilgore acting as tellers;

And on counting the ballots, it appeared that Robert Morrison had fifty-five votes for that office, scattering twenty votes.

On motion of Mr. Willet,

Ordered, That the Clerk inform the Senate by a sealed communication, directed to their President, of the election of Mr. Morrison on the part of the House.

A message from the Senate by Mr. Morris their secretary:

Mr. SPEAKER—

The Senate has elected, on their part, Robert Morrison a State Director of the State Bank for the ensuing term of four years.

The two Houses having concurred in the election of Robert Morrison,

The Speaker thereupon announced that said Robert Morrison was duly elected State Director for the State Bank to serve as such for the term of four years.

Mr. Brett moved to postpone the several orders of the day which precede the bill [No. 38] to amend an act entitled an act to provide a fund to encourage Common Schools, approved Feb. 2, 1832, and that the House do now consider said bill;

Which motion did not prevail.

Mr. Thompson presented a petition of Joseph Henderson and others, citizens of Lawrence county, praying the vacation of a certain state road in Lawrence county;

Which was read and referred to the committee on Roads.

Mr. Chapman presented a petition of John Longacre, praying to be divorced from his wife Levicy;

Which was read, when

Mr. Wallace moved that the House refuse to consider said petition;

Which motion passed in the affirmative.

Mr. Armstrong presented a petition of William C. Sullivan, collector of the revenue for Jefferson county for the year 1832, praying authority to redeem certain lands from the school commissioner of said county;

Which was read and referred to a select committee of Messrs. Armstrong, Wallace, Marshall, Vawter, and M'Calley.

On motion,

Mr. Chapman had leave to withdraw the petitions heretofore presented by him relative to the removal of the seat of justice of Lagrange county.

Whereupon they were withdrawn accordingly.

Mr. Dunning also obtained leave to withdraw the papers heretofore presented by him relative to the case of Peter Whitesell.

Mr. Hardesty, from the joint committee of Enrolled Bills, reported that they have compared the enrolled with the engrossed bills, entitled acts as follows, to-wit:

No. 20—An act to locate a state road from Levenworthtown, in Crawford county, to Salem, in Washington county;

No. 47—An act further to amend an act entitled an act to provide for the further sale of certain lands therein named, approved February 2, 1833; and

No. 7—An act to incorporate the Vincennes Medical Society for the promotion and diffusion of correct medical knowledge;

And find the same truly enrolled.

Whereupon the Speaker signed said bills.

Ordered, That the Clerk carry the same to the Senate for the signature of their President.

Mr. Hargrove made the following report:

The Committee on Claims, to which was referred the communication of John A. Brackenridge, have had the same under their consideration, and have directed me to report the following resolution:

Resolved, That the Committee of Ways and Means be directed to allow John A. Brackenridge, in the specific appropriation bill, the sum of ten dollars for attending to the case determined in the Dubois Circuit Court, at April term, 1832, wherein the State of Indiana was plaintiff and Enlow and Evans were defendants, as special prosecutor in behalf of the State;

Which was read and the resolution adopted.

Mr. Hardesty made the following report:

The Committee on Claims, to which was referred the communication of John Cowgill, in relation to his services as Prosecuting Attorney in the 7th Judicial Circuit, have had the subject under their consideration, and directed me to report the following resolution:

Resolved, That the Committee of Ways and Means be directed to allow John Cowgill, in the specific appropriation bill, thirty-one dollars and twenty-five cents, for his services as Prosecuting Attorney in the 7th Judicial Circuit, for the year 1834;

Which was read and said resolution adopted.

Mr. Shaw, from the select committee, to which was re-committed the bill (No. 58) to amend an act entitled "an act to subject real and personal estate to execution," approved Feb. 4, 1831, reported the same with one amendment, pursuant to instructions;

Which was read, when

Mr. Shaw moved to amend the same "by striking out after the word "execution" "fifty dollars," and inserting the following: "seventy-five dollars: *Provided*, That nothing herein contained shall be construed so as to affect in any manner contracts made or rights accrued previous to the publication of this act: *And provided also*, That some disinterested person shall make an appraisement, under oath, of the property claimed as exempt from execution, whensoever the officer having the execution shall believe that property over and above the sum of seventy-five dollars is claimed as exempt from execution by the execution defendant or defendants; which appraisement shall be returned by the sheriff or other officer serving the process with the execution to the proper officer or court."

Mr. Smith of R. called for a division of the question.

The first branch thereof to wit: on striking out the words "fifty dollars," was thereupon put.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bower, Bradbury, Brett, Bryan, Carr, Carter of C., Conwell, Crume, Culbertson, Curry, Curtis, Davis, Evans, Green, Hannaman, Hardesty, Harris, Henkle Howell, Johnston of F., Kelso, Kilgore, Latshaw, Lowe, Marshall, McDougle, McIntire, Moore, Puckett, Ray, Rockhill, Schooling, Shaw, Stanford, Torbet, Wallace, Willett, Wilson of H., Wilson of P., Wilson of V., and Gregory, Speaker—42.

And those who voted in the negative are,

Messrs. Armstrong, Bennet, Brackenridge, Cook, Dunning, Gaddes, Hargrove, Hoagland, Howard, Johnson of M., Leslie, Liston, Lockhart, McCalley, Mendenhall, Nave, Newman, Parks, Phelps, Shank, Smith of F., Smith of R., Stafford, Storm, Strain, Thompson, Vanderveer, Vawter, Walker, Woodruff and Wright—31.

So the words "fifty dollars" were stricken out.

Mr. Vandever moved to postpone the bill and pending amendments indefinitely.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bennett, Bradbury, Cook, Gaddes, Hargrove, Johnson of M., Mendenhall, Newman, Storm, Strain, Thompson, Vandever, and Wright—13.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bell, Bower, Brackenridge, Brett, Bryan, Carr, Carter of C., Conwell, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Evans, Green, Hannaman, Hardesty, Harris, Henkle, Hoagland, Howard, Howell, Johnston of F., Kelso, Kilgore, Latshaw, Leslie, Liston, Lockhart, Lowe, Marshall, McCalley, McDougle, McIntire, Moore, Nave, Parks, Phelps, Puckett, Ray, Rockhill, Schooling, Shank, Shaw, Smith of F., Smith of R., Stafford, Stanford, Torbet, Vawter, Walker, Wallace, Wilson of H., Wilson of P., Wilson of V., Woodruff, and Gregory, Speaker—60.

So said motion was decided in the negative.

The question then recurred on the second branch of the amendment proposed by Mr. Shaw to the the amendment of the committee,

And being put,

It passed in the affirmative.

Mr. Stanford moved further to amend said amendment by adding the following thereto as an additional section, to wit:

“Sec. And any subsequent sale or barter of the property, so exempted, shall be void, except it be to procure the necessaries of life during the incompetency of the person to pay his debts, to whom such property has been set apart.”

Pending the question thereon,

The House adjourned until 2 o'clock P. M.

Two o'clock P. M.

The House met pursuant to adjournment.

The pending question upon bill No. 58 being for the present postponed,

Mr. Bigger gave notice that on to-morrow or on some subsequent day, he would move for the adoption of the following as an additional standing rule of this House, viz:

— No member shall be permitted to record his vote on either side of any question, unless he was present in the House at the time such question was put.

On motion of Mr. Vandever,

Resolved, That the committee on the Judiciary be instructed to in-

quire into the expediency of making judgments in probate courts a lien on real estate, with leave to report by bill or otherwise.

The House then resumed the consideration of bill No. 58, pending at the last adjournment;—and

The question being put, on the motion of Mr. Stanford, to amend the amendment of the committee;

It was decided in the negative.

The amendment reported by the committee, as amended, was then agreed to by the House.

Mr. Crume moved further to amend the bill by exempting also from execution, two months provision for the debtor and his family;

Which motion did not prevail.

On motion of Mr. Schooling,

Said bill was further amended, by inserting the following clause:

“Said appraiser shall be entitled to receive for his services, twenty-five cents for such appraisement, to be paid by the debtor claiming such property.”

On motion of Mr. Bigger,

Said bill was further amended, by excepting from the repealing clause, so much of the act of 1831, as recognizes wearing apparel, as no part of an execution defendant’s estate.

On motion of Mr. Smith of F.,

The said bill was further amended, by giving to the officer levying the writ, authority to administer the oath to the appraiser.

The question was then put,

Shall said bill be engrossed and read a third time to-morrow?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative, are

Messrs. Angle, Bigger, Bradbury, Brett, Bryan, Carr, Carter of C., Chapman, Conwell, Culbertson, Curry, Curtis, Davis, Dunning, Hannaman, Harris, Henkle, Johnson of F., Kelso, Kilgore, Latshaw, Liston, Lowe, Marshall, McDougle, M’Intire, Mendenhall, Moore, Phelps, Puckett, Ray, Rockhill, Schooling, Shank, Shaw, Stafford, Stanford, Torbet, Wallace, Willet, Wilson of H., Wilson of P., Wilson of V., Woodruff, and Gregory, speaker—46.

And those who voted in the negative, are

Messrs. Armstrong, Bennett, Brackenridge, Cook, Crume, Gaddes, Green, Hardesty, Hargrove, Hoagland, Howard, Johnson of M., Leslie, Lockhart, McCalley, Nave, Newman, Parks, Smith of F., Smith of R., Storm, Strain, Thompson, Vandever, Vawter, Walker, and Wright—28.

So it was ordered that said bill be engrossed, and read a third time to-morrow.

Mr. Storm, from the select committee to which was referred the petition of H. Mann, jr. reported a bill, (No. 128,) to amend an act entitled an act to appropriate part of the Three per cent. Fund;

Which was read the first time and passed to a second reading.

Mr. McDougle made the following report, which was read and concurred in:

The select committee to which was referred the petition of Robert Downey and others, praying an alteration in a certain street of the town of New Albany, have had the same under consideration. and are of opinion that legislation on that subject at this time is inexpedient, and wish to be discharged from the same.

Mr. Harris made the following report:

The select committee to whom was referred the petition of Jesse M'Intire and others, praying for the passage of an act to locate a State road from Bowling-green, Clay county, to Osborn's ferry, in Green county, have had that subject under consideration, and have directed me to report the following bill, in accordance with said petition:

The said bill, (No. 129,) to establish a State road from Bowling-green, in Clay county, to Osborn's ferry, in Green county, was twice read (the rules of the House having first been dispensed with,) and ordered to be engrossed and read a third time to-morrow.

Mr. Green made the following report:

The select committee to whom was referred the petition of sundry citizens of Posey county, praying the incorporation of a college at New Harmony, have had that subject under consideration, and directed me to report the following charter, entitled

A bill [No. 130,] to incorporate the New Harmony manual labor college, at or adjoining New Harmony, Posey county;

Which was read the first time and passed to a second reading.

A message from the Governor, by Mr. Ketcham, his private secretary.

I am directed by his Excellency the Governor, to inform the House of Representatives that he did, on the 31st of Dec. 1834, approve the following acts, and memorial, to wit:

An act, [No. 10,] legalizing the election of probate judges;

An act, [No. 27,] for the relief of Moses Strong;

An act, [No. 35,] for the relief of John G. Davis, former collector of Parke county, and John G. Kendall of Decatur county; and

A memorial [No. 23,] and joint resolution, of the Legislature of the State of Indiana, relative to the propriety of declaring Lafayette, on the Wabash river, a port of entry—all of which originated in the House of Representatives.

A message from the Senate, by Mr. Morris, their Secretary.

Mr. SPEAKER—

The Senate concurs in the several amendments made by the House of Representatives to the amendments of the Senate to the engrossed bill of the House [No. 28] entitled an act to extend the provisions of an act therein named to Gibson and Decatur counties.

The Senate has passed without amendment an engrossed bill of the House, entitled

An act [No. 112] to continue in force an act for the benefit of per-

sons who are likely to suffer by the destruction of the records of Spencer county, approved December 27, 1833.

Mr. Carter of C., from the select committee to which was referred the petition of John Barr and others, reported

A bill [No. 131] to change the boundaries of the counties of Carroll and White;

Which was read the first time and passed to a second reading.

The House resumed the consideration of the resolution moved by Mr. Crume on the 20th ult. upon the subject of Probate Circuit Courts, and arrested on that day by the expiration of the hour for considering resolutions;

And the question recurring on the first branch of the amendment moved by Mr. Newman, to-wit, on striking out the resolution from the resolving clause,

It was thereupon put,

And decided in the negative.

And on the question,

Shall said resolution be adopted?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bigger, Bradbury, Brett, Carter of C., Chapman, Crume, Culbertson, Curtis, Dunning, Evans, Hannaman, Hardesty, Johnston of F., Kelso, Kilgore, Liston, Lowe, Marshall, Moore, Newman, Ray, Rockhill, Smith of F., Stafford, Thompson, Vawter, Wallace, Wilson of H., Wilson of V., and Gregory, Speaker—30.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bennett, Bower, Brackenridge, Bryan, Carr, Conwell, Cook, Curry, Davis, Gaddes, Green, Hargrove, Harris, Henkle, Hoagland, Howard, Howell, Johnson of M., Latshaw, Leslie, Lockhart, M'Calley, M'Dougle, McIntire, Mendenhall, Nave, Parks, Phelps, Puckett, Schooling, Shank, Shaw, Smith of R., Stanford, Storm, Strain, Torbet, Vandever, Walker, Willet, Wilson of P., Woodruff, and Wright—45.

So said resolution was not adopted.

On motion of Mr. Crume,

Resolved, That the Judiciary committee be directed to inquire into the expediency of exempting persons from serving as jurors before justices of the peace in any other township than the one in which such person may reside.

Mr. Bryan moved the following resolution, which was read, and,

On motion of Mr. Crume laid on the table, to-wit:

Resolved, That a select committee of eleven, to consist of at least one from each Bank District in this State, be appointed whose duty it shall be, in case the select committee heretofore appointed to enquire into the expediency of making a loan of \$1,500,000 for purposes of internal

improvements in this state should report in favor of making such loan, to report a bill to this House designating the different public works which shall be prosecuted by the State, together with the amount of such loan to be expended on each such work, and the amount of stock which shall be taken by the State in any incorporated company in this State, which shall be paid out of said loan.

On motion of Mr. Kelso,

Resolved, That this House will, on each day at 2 o'clock P. M., proceed to consider the regular orders of the day.

Mr. Wilson of V. moved the following resolution:

Resolved, That the committee on Canals and Internal Improvements be directed to inquire into the expediency of authorizing the present Board of Canal Commissioners to cause a survey of the valley of the Wabash and estimate of the cost of constructing the Wabash and Erie Canal from Lafayette to the Ohio river to be made, and having the survey so made as to ascertain the practicability and probable cost of carrying said canal to Evansville, Mount Vernon, or any other accessible point on the Ohio river.

Mr. Brackenridge moved to amend said resolution as follows:

After the word "Lafayette," insert these words: "to Terre Haute, and from thence by canal, rail road, or otherwise;" and after the word "canal," in the latter clause of the resolution, insert "or rail road."

Before the question was had thereon it was,

On motion of Mr. Willet,

Ordered, That said resolution and proposed amendment do lie on the table.

On motion of Mr. Dunning,

Resolved, That the committee on Education be instructed to inquire into the expediency of amending the 93d section of an act incorporating congressional townships and providing for public schools therein, approved Feb. 2, 1833, so as to make it the duty of the School Commissioner to make a calculation of the interest in his hands which shall have accrued on the school moneys in his care on the first Mondays of March and September in each year, and pay the same over as required by law—with leave to report by bill or otherwise.

On motion of Mr. Conwell,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of providing by law allowances to executors and administrators for their services a certain per cent. in proportion to the amount of the estates by them settled—with leave to report by bill or otherwise.

Mr. Cook moved the following resolution:

Resolved, That a select committee be appointed to inquire into the expediency of so amending the law prescribing the duties of constables as to authorize a constable after having levied on property by virtue of an execution to deputize some fit person to sell the same, in the event of the inability of such constable to be present at such sale by reason of sickness, he being liable for the act of his deputy;

Which was read and adopted.

Ordered, That Messrs. Cook, Vawter, Wallace, Marshall, and Woodruff be a committee in pursuance thereof.

The Speaker announced the expiration of the time allotted for the consideration of resolutions:

On motion of Mr. Willet the several orders of the day were postponed for one hour for the purpose of considering resolutions.

On motion of Mr. Howell,

Resolved, That the committee on Canals and Internal Improvements be instructed to inquire into the expediency of authorizing the Canal Commissioners to employ some suitable engineer, and a competent corps under his command, to examine and survey a line or route for a canal from such point on the east fork of White river as shall be deemed most advisable, and along said river through the counties of Jackson, Lawrence, and Martin to the Ohio river at Troy or Sprinklesburgh or some intermediate point—and that they have leave to report by bill or otherwise.

Mr. Brett moved the following resolution:

Resolved, That the Judiciary committee be requested to inquire whether any, and if any, what amendment of the law is necessary to compel the clerks of boards doing county business to execute all the official orders of said boards; and also to inquire into the expediency of making it discretionary with each board to allow the clerks more than \$70, when for extraordinary and laborious services such extra allowance may be deemed reasonable and just—with leave to report by bill or otherwise.

Mr. Wallace moved to amend the same by striking out so much as gives the boards doing county business power to allow the clerks in any case more than \$70 for extra services;

Which motion did not prevail.

Said resolution was then adopted.

On motion of Mr. Nave,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of punishing by indictment any and all persons who shall knowingly, wilfully, or maliciously destroy any public bridge, lock, or gate, or any part thereof, on any public highway within this State, by cutting, burning, or otherwise, or who shall drag any heavy timber or timbers over or upon the same, or who shall drive a wagon and team or wagons and teams, or a cart or carts, mail stage or mail stages, out of a walk, or who shall ride a horse or horses out of their usual gait or gaits; with leave to report by bill or otherwise.

On motion of Mr. Carter of C.,

Resolved, That the Committee on Claims be instructed to inquire into the expediency of allowing the Collector of revenue for the county of Cass for the year 1832, the sum of eight dollars and eighteen cents for that amount overpaid into the State treasury on settlement of his accounts.

On motion of Mr. Vandever,

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of giving Justices of the Peace power to issue the

summons required by an act concerning free negroes, approved February 10th, 1831, and further to amend said act so as to give Justices of the Peace power, and make it their duty to enter a default against negroes and mulattoes, before the overseers of the poor shall hire out said negroes and mulattoes, with leave to report by bill or otherwise.

On motion of Mr. McIntire,

Resolved, That the Committee of Ways and Means be directed to inquire into the expediency of reporting a bill to this House, allowing a premium of fifty cents, payable out of the State treasury, and twenty cents out of the county treasury for prairie wolf scalps.

Mr. Bryan moved the following resolution:

Resolved, That the Committee on Roads be instructed to report a bill to this House to provide for dispensing with the services of the Commissioner of the Michigan Road, after the 1st day of December 1835;

Which was read, and, on motion of Mr. Smith of F., laid on the table.

On motion of Mr. Kelso, the resolution moved by Mr. Kilgore on yesterday and laid on the table, relative to electing Representatives to Congress by a general ticket throughout the State, was taken up.

Mr. Bigger moved to amend said resolution by inserting after the word "that" and before the words "a select," the following: "for the purpose of bringing the caucus ticket system into full operation in this State, and placing the minority completely at the mercy of the majority."

Mr. Crume moved to postpone the further consideration of said resolution and proposed amendment indefinitely,

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bell, Bennett, Bigger, Bower, Brackenridge, Bradbury, Brett, Bryan, Carr, Carter of C., Cook, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Evans, Gaddes, Green, Hardesty, Hargrove, Harris, Henkle, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Latshaw, Leslie, Liston, Lockhart, Lowe, Marshall, McCalley, McDougle, McIntire, Moore, Nave, Newman, Parks, Puckett, Ray, Schooling, Shank, Shaw, Smith of F., Smith of R., Stafford, Stanford, Storm, Strain, Torbet, Vandever, Walker, Willet, Wilson of P., Wilson of V., Woodruff, Wright, and Gregory, Speaker—63.

And those who voted in the negative are,

Messrs. Angle, Chapman, Conwell, Hannaman, Kelso, Kilgore, Mendenhall, Phelps, Rockhill, Thompson, Vawter, Wallace, and Wilson of H—13.

So said resolution and proposed amendment were indefinitely postponed.

Mr. Willet gave notice that he would on to-morrow or some subsequent day, move to amend the rules as follows, to wit:

"No member in debate shall make personal application of remarks towards the Governor, any Senator or President of the Senate, or any member of the Senate or House of Representatives in Congress from this State, under the same restrictions as it relates to members of this House."

Mr. Brackenridge, after having obtained leave, presented a bill [No. 132] to amend an act entitled "an act to provide for the improvement of the navigation of the Wabash river;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

On motion of Mr. Woodruff,

Resolved, That the Judiciary Committee inquire into the expediency of making a special allowance to guardians upon some definite rule; and also to compel guardians to renew their bonds every two years.

Mr. Nave moved the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of repealing so much of an act entitled "an act for assessing and collecting the revenue," approved February 10, 1831, as makes it the duty of the Clerks of the several counties to make out four copies of the list of delinquents as returned by Collectors of their several counties; to put up one of said copies in some conspicuous place in their offices, and keep the same up at least twelve months, and to cause three other copies to be posted up in three of the most public places in their counties, within ten days after receiving said return. And also so much of said act as makes it the duty of the Clerk to publish a list of the unassessed property that has been assessed and the taxes collected thereon by the Collector, in the same manner and at the same time that he publishes the delinquent list; with leave to report by bill or otherwise.

Which resolution,

On motion of Mr. Vawter, was amended by directing the reference to the Committee of Ways and Means; and thus amended, was agreed to by the House.

On motion of Mr. Lockhart,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for the punishment of masters of steam boats for carrying any person or persons beyond the place to which they may have shipped, contrary to the will of such passenger or passengers; with leave to report by bill or otherwise.

On motion of Mr. Lowe,

Resolved, That a select committee be appointed to enquire whether any, and if any, what amendments are necessary to an amendatory act passed at the session of 1833-4, in relation to limiting the jurisdiction of Justices of the Peace to the townships in several counties therein named; with leave to report by bill or otherwise.

Ordered, That Messrs. Lowe, Wilson of P., Angle, Curry and Davis, be that committee.

Mr. Storm moved the following resolution:

Resolved, That the Committee on Canals and Internal Improvements be directed to inquire into the expediency of making an adequate appropriation to remove any and all material obstructions to the free navigation of the west fork of White river, from the head of flat boat navigation on the same, to its junction with the east fork thereof, with leave to report by bill or otherwise.

On motion of Mr. Thomson, said resolution was amended by directing a similar inquiry in relation to the east fork of White river.

Mr. Vawter moved to include the Muscatituck river in the provisions of the resolution, and before the question was had thereon,

The House adjourned until to-morrow morning at 9 o'clock.

SATURDAY MORNING, JAN. 3, 1835.

The House met pursuant to adjournment.

The Speaker laid before the House a report of the President and Directors of the Indianapolis and Lafayette Rail Road Company;

Which was read and referred to the Committee on Canals and Internal Improvements.

Mr. Davis presented three several petitions of sundry citizens of the counties of Tippecanoe, Carroll, and White, praying an act of incorporation to authorize a company to construct a Rail Road from Lafayette to the southern end of the present location of the Wabash and Erie Canal;

Which was read and referred to the Committee on Canals and Internal Improvements.

Mr. Davis presented a petition of William Simms and others, citizens of Tippecanoe and White counties, praying a State Road from the west bank of the Wabash river, opposite Lafayette, to intersect the Lafayette and Chicago State Road at Sugar creek;

Which was read and referred to a select committee of Messrs. Davis, Henkle, Carter of C., McIntire, and Curry.

Mr. Stafford presented a petition of J. W. Davis and others, citizens of the counties of Johnson and Morgan, praying a State Road from the Bluffs on White river to intersect the State Road leading from Bloomington via Morgantown to Indianapolis, at or near the crossing of the north fork of Stott's creek, in Johnson county;

Which was read and referred to the Committee on Roads.

Mr. Carter of C. presented a petition of Nathaniel McGuire and others, citizens of the county of Miami, praying an act authorizing the board of commissioners of Cass county to pay over to the treasurer of

Miami county certain monies collected from the citizens of said Miami county;

Which was read and referred to a select committee of Messrs. Carter of C., Rockhill, Liston, Chapman, and Henkle.

Mr. Moore presented the petition of Jesse Roark and others, citizens of Owen county, praying a review of a part of the State Road leading from James Harrah's, in Owen county, to New Brunswick, in Clay county;

Which was read and laid on the table.

Mr. Stafford presented a petition of Andrew Shell and others, citizens of Jackson township, Morgan county, praying relief to James H. Hamilton;

Which was read and referred to the Committee on the Judiciary.

Mr. Carter of C. presented a petition of John McGregor and others, citizens of Miami county, praying a State Road from a point on the State Road leading from Richmond to Logansport, near the town of Peru, to the town of Rochester, on the Michigan Road;

Which was read and referred to the Committee on Roads.

Mr. Crume made the following report:

The Committee of Ways and Means, to whom was referred two several petitions of the people of Union, Franklin, and Fayette counties, praying an amendment to the 13th section of an act entitled an act for the relief of the poor, approved February 10th, 1831, have had that matter under consideration, and a majority of said committee have directed me to report that in their opinion it is inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration of said petitions;

Which was read and concurred in.

Mr. Hargrove made the follow report:

The Committee on Claims, to which was referred the petition of Daniel Mace and Wilson Malone, praying compensation for services rendered and money expended in travelling to and from the Posey Circuit Court, at the February term, 1831, from Attica, in Fountain county, as witnesses for and on behalf of the State, on a charge of murder against James R. Paxton, have, according to order, had the same under consideration, and they have directed me to report that on account of the dangerous precedent thereby set, which will probable afford encouragement to numerous future applications of a similar character, a majority of them have, with considerable hesitation, consented to recommend an allowance to the claimants, solely on account of the peculiar circumstances attending their claim, and from a belief that the State should not require the services of any citizen as a witness, in a case characterized like the present, without making him a just compensation therefor; they, therefore, recommend the adoption of the following resolution:

Resolved, That the Committee of Ways and Means be directed to allow Daniel Mace and Wilson Malone, in the specific appropriation bill, the sum of twenty dollars each, for services rendered and money expended in travelling to and from the Posey Circuit Court, at the Feb-

ruary term, 1831, from Attica, in Fountain county, as witness for and on behalf of the State, on a charge of murder against James R. Paxton;

Which was read and said resolution adopted.

Mr. Carter of C., from the Committee on Roads, to which was referred a petition of Daniel Thompson and others on that subject, reported

A bill (No. 134) to establish a State Road from Delphi *via* Camden to the Michigan Road;

Which was read the first time and passed to a second reading.

Mr. Davis, from the select committee, to which was referred a petition on that subject, reported

A bill (No. 134) to locate a State Road from Daniel Underhill's, in Clinton county, to Burlington, in the county of Carroll;

Which was read the first time and passed to a second reading.

Mr. Bell, from the select committee, to which was referred a petition on that subject, reported

A bill (No. 135) to vacate the State Road from Hill's mill, in Rush county, to Samuel A. Hall's, in Hancock county, and Rezin Davis', in Shelby county;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time on Monday next.

Mr. Liston, from the select committee, to which was referred a petition on that subject, reported

A bill (No. 136) to incorporate the St. Joseph Iron Company;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Angle asked and obtained leave to withdraw the petition of Daniel Mace and Wilson Malone and the accompanying papers;

Which were thereupon withdrawn accordingly.

Mr. Puckett, from the select committee, to which was referred a petition on that subject, reported

A bill (No. 137) changing (the name of Travis Adcock and others;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time on Monday next.

Mr. Wright, from the select committee to which was referred a petition on that subject, reported

A bill (No. 138) changing the time of holding the Probate Courts in the county of Pike;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Chapman, from the select committee to which was referred a petition on that subject, reported

A bill (No. 139) organizing the boundaries of the county of Kosciusco;

Which was twice read (the rules of the House having first been dispensed with) and,

On motion of Mr. Willet, committed to the same committee of the whole House to which was heretofore committed a bill laying out certain unorganized territory into new counties.

Mr. Vawter, from the select committee to which was referred a petition on that subject, reported

A bill (No. 140) attaching the north east quarter of section four, township four, north of range eight east to the county of Jennings;

Which was twice read (the rules of the House having first been dispensed with) and,

On motion of Mr. Chapman, committed to the same committee of the whole to which was committed the bill last above named.

On motion of Mr. Kelso,

The House resolved itself into a committee of the whole on the bill (No. 122) to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 10, 1831; and after some time spent therein, the Speaker resumed the chair, and

Mr. Brackenridge reported progress and asked leave to sit again, which leave was granted by the House.

Mr. Hardesty, from the joint committee of Enrolled Bills, reported that they have compared the enrolled with the engrossed bills entitled acts as follows to-wit:

No. 35—An act to amend an act to regulate trials of the right of property, approved Feb. 1, 1834;

No. 107—An act for the relief of Nathan Harlan, and for other purposes; and

No. 91—A memorial and joint resolution of the General Assembly of the State of Indiana praying a further donation of the public domain to assist in the completion of the Wabash and Erie Canal, and in the construction of such other works of internal improvements as will have a direct tendency to open a line of communication between the Wabash and Ohio rivers;

And find the same truly enrolled.

Whereupon the Speaker signed said bills and memorial and joint resolution.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

On motion of Mr. Smith of F. the resolution moved by Mr. Bryan on yesterday and laid on the table, relative to internal improvements, &c., was taken up, and so modified by Mr. Bryan as to refer it to the same select committee to which was referred the resolution heretofore moved by Mr. Vawter on the subject of a loan of \$1,500,000 for internal improvements within the state.

Said resolution, as modified, was then adopted by the House.

And then the House adjourned until Monday morning at 9 o'clock.

MONDAY MORNING, JAN. 5, 1835.

The House met pursuant to adjournment.

The Speaker laid before the House the following report:

HON. JAMES GREGORY,

Speaker of the House of Representatives:

SIR—

In compliance with a resolution of the House of Representatives, dated January 1st, 1835, instructing the Canal Commissioners to report to this House without delay the quantity of canal lands on the north side and on the south side of the Wabash river respectively below the mouth of Eel river; and that they also report the quantity remaining unsold on each side of the Wabash below said point—have the honor herewith to submit the following statement, viz:

SOUTH SIDE OF THE WABASH.

Total amount of acres, 25,933 60-100. Amount remaining unsold, 10,889 67-100.

NORTH SIDE OF THE WABASH.

Total amount of acres, 44,783 83-100. Amount remaining unsold, 14,209 24-100.

D. BURR,
SAM'L LEWIS,
J. B. JOHNSON.

Indianapolis, Jan. 3d, 1835.

Which was read and referred to the committee on Canals and Internal Improvements.

Mr. Evans presented a petition of Thomas Dowler, praying relief;

Which was read and referred to the committee on Education.

Mr. Walker presented a petition of Robert Bovard and others, praying a re-location of the state road leading from Rising Sun to Cross Plains;

Which was read and referred to the committee on Roads.

Mr. Kelso presented a remonstrance of Enos Littlefield and others, against the petition last above named;

Which was read and referred to the committee on Roads.

Mr. Stafford presented a petition of Henry M'Cracken preferring charges against Francis Whicher a justice of the peace in Morgan county, and praying his impeachment, verified by affidavit, and accompanied by sundry documents;

Which were severally read and referred to the committee on the Judiciary.

Mr. Bell presented a petition of Joseph Chapman and others, pray-

ing a special law to authorize the Hancock Circuit Court to try John Hays on a charge of assault and battery with intent to murder;

Which was read and referred to a select committee of Messrs. Bell, Stanford, Shank, Johnson of M., and Hannaman.

Mr. Liston presented a petition of A. M. Hurd and others, praying the incorporation of a Company to build a bridge over the St. Joseph river at Mishawaka;

Which was read and referred to a select committee of Messrs. Liston, Chapman, Rockhill, Carter of C., and Harris.

Mr. Hardesty presented a petition of William Jones and others, praying an amendment of the School Law;

Which was read and referred to the committee on Education.

Mr. Wilson presented a petition of Othel Staggs and others, praying a state road from a point near Simon Moore's, in Sullivan county, through Vigo and Clay counties, to Crawfordsville;

Which was read and referred to a select committee of Messrs. Wilson of V., Latshaw, Harris, Wilson of P., Schooling, and Curry.

Mr. Bell presented a petition of sundry citizens of Hancock county, praying for a change in the mode of doing county business in said county;

Which was read and referred to a select committee of Messrs. Bell, Hannaman, Stanford, Stafford, and Willet.

Mr. Ray presented a petition of R. C. Allison and others, praying the construction of the White Water Canal;

Which was read and referred to the committee on Canals and Internal Improvements.

Mr. Bell presented four several petitions of sundry citizens of this state, praying a re-location of the state road from Greenfield to Midletown;

Which were read and referred to the same select committee to which was heretofore referred a petition on the same subject.

Mr. Carter of C. presented a petition of Joseph Fitzer and others, citizens of Carroll county, praying a reform in the economy of the Indiana college;

Which was read and referred to the committee on Education.

Mr. Carter of C. presented a petition of Walter Wilson and others, praying the incorporation of a company to build a bridge across the Wabash river, at Logansport;

Which was read and referred to a select committee of Messrs. Carter of C. Angle, Henkle, Davis, and Rockhill.

Mr. Wilson of H. presented sundry remonstrances of citizens of Harrison county, against being attached to the county of Crawford, with explanatory statements;

Which were read and referred to the same select committee to which were referred former petitions and remonstrances on the same subject.

Mr. Phelps presented a written statement of Abram Harmon, protesting against the appearance of his name on the remonstrance against attaching a part of Harrison county to Crawford.

Which was read and referred to the select committee last named.

Mr. Angle made the following report:

The committee on elections, to whom was referred a resolution of the House, requesting an inquiry into the expediency of giving clerks of the circuit courts in their respective counties, the power of ordering an election to fill the vacancy in the office of justice of the peace; have had that subject under consideration, and ordered me to report a bill [No. 141,] to amend an act entitled "an act providing for the election of county and township officers," approved Jan. 31, 1831.

Which was read the first time and passed to a second reading.

Mr. Smith of F. made the following report, which was read and concurred in:

The Judiciary committee to which was referred the petition of Allen Jones and others, praying that the said Allen Jones be divorced from his wife Lucretia, have had that subject under their consideration, and have directed me to report that legislation upon that subject is inexpedient at this time, and ask to be discharged from the further consideration of the same.

Mr. Dunning made the following report, which was read and concurred in:

The Judiciary committee to which was referred the petition of Lewis Needham, praying a divorce from his wife Fanny, have had that subject under consideration and have instructed me to report that legislation upon that subject at this time is inexpedient, and ask to be discharged from any further consideration thereof.

Mr. Johnson of F. made the following report:

The committee on the Judiciary, to whom was referred a resolution of this House, directing them to inquire into the expediency of providing by law that when any note, bond, or obligation shall express on its face, at the time of making such note, bond, or obligation, that there shall be no stay of execution, the judgment shall be rendered without stay in pursuance of such contract, and no stay of execution shall be had, subject, however, to appeal as in other cases, have, according to order, had the same under consideration, and have directed me to report that it is inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration of said resolution.

Which report was read and agreed to by the House.

Mr. Kilgore made the following report, which was read and concurred in:

The committee on the Judiciary to which was referred the petition of James Farris and others, of Orange county, praying that the said James Farris be divorced from his wife Susanah, and also the letter of remonstrance of the said Susanah; have had the same under consideration and have directed me to report, that any legislation upon that subject is inexpedient at this time, and the said committee ask to be discharged from the further consideration thereof.

Mr. Liston from the Judiciary committee, who had been instructed by a resolution of the House to inquire into the expediency of the measure, reported a bill (No. 142,) to amend an act entitled "an act

to incorporate the South Bend bridge company," approved Feb. 2, 1833;

Which was twice read, (the rules of the House having first been dispensed with,) and ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Thompson,

Ordered, That Messrs. Thompson, Marshall, Smith of F., Kelso, and Kilgore, members of the Judiciary committee, have leave of absence, while taking testimony in the case of Nicholas G. Cromwell.

Mr. Nave made the following report, which was read and concurred in:

The committee on the Judiciary to which was referred a resolution of this House directing them to inquire into the expediency of making judgments in probate courts, a lien on real estate, have had the same under consideration, and have directed me to report that in their opinion it is inexpedient to legislate on that subject, and the committee ask to be discharged from the further consideration of the same.

Mr. Nave made the following report:

The committee on the Judiciary, to which was referred a resolution of this House, instructing them to inquire into the expediency of providing by law for the collection of debts due by persons sentenced to the State Prison, previous to conviction, but which are not due or have not been collected prior thereto; have had the same under consideration, and have directed me to report, that in their opinion it is inexpedient to legislate on that subject, and the committee ask to be discharged from the further consideration of the same.

Which report was read and concurred in.

Mr. Torbet, after having obtained leave, presented a bill [No. 143.] to incorporate the Dearborn county seminary;

Which was twice read, by consent, and ordered to be engrossed and read a third time to-morrow.

Mr. Newman made the following report, which was read and concurred in:

The Committee on the Judiciary to which was referred the petition of Amos White and others, praying the Legislature to pass a law authorizing the said White and one Jeremiah Hamilton to make deeds of conveyance for certain tracts of land therein named, have directed me to report, that they have had the subject under consideration, and that they deem it inexpedient to legislate on that subject. In coming to this conclusion the committee have been governed by the consideration that from the Showing of the petitioners themselves, the title to said lands is now vested in minors, and that if said petitioners are legally or equitably entitled to the relief they pray for, they have a remedy in our courts of justice, which would give the minors an opportunity of receiving the proceedings when they arrive at full age. The committee think that it would be very impolitic if not unjust under such circumstances, to legislate away the rights of minors, without affording them any opportunity of defence, and while they are incapable in

law to give any consent to such proceedings, they therefore ask to be discharged from the further consideration of said petitions.

Mr. Hannaman, from the Committee on the Judiciary to which was referred a resolution of the House, instructing them to inquire into the expediency of exempting persons from serving on juries before justices of the peace out of the township where they reside, reported unfavourably to the objects of said resolution.

Mr. Crume moved to recommit said report to a select committee with instructions to report a bill in pursuance of the tenor of the resolution; which instructions were,

On motion of Mr. Stanford, further extended by directing the committee to inquire into the justice and expediency of allowing a compensation to witnesses legally subpoenaed to attend and give evidence on behalf of the State before any of the Circuit Courts or Grand Juries of this State, if such witnesses may so attend;

And the motion to recommit, thus amended, passed in the affirmative.

Ordered, That Messrs. Crume, Bigger, Stanford, Vawter and Nave, be a committee in pursuance thereof.

Mr. Hannaman made the following report:

The Committee on the Judiciary, to which a resolution was referred, directing them to inquire into the expediency of providing by law for the punishment of masters of steam boats for carrying any person or persons beyond the place to which they may have shipped, contrary to the will of such passenger or passengers, have had that subject under consideration, and have directed me to report, that it is inexpedient to legislate on that subject, and asked to be discharged from the further consideration of the same;

Which was read, and,

On motion of Mr. Lockhart, said report was recommitted to a select committee with instructions to report a bill agreeably to the requisitions of the resolution.

Ordered, That Messrs. Lockhart, Phelps, Howell, Brackenridge and McCalley, be that committee.

Mr. Ray made the following report:

The Judiciary Committee to which was referred several resolutions of this House, directing them to inquire into the expediency of amending the act entitled, "an act for the relief of insolvent debtors," approved February 9th, 1831, and of so amending said act as to enable persons imprisoned for the non-payment of costs in criminal cases, to have the benefit thereof, and of punishing debtors for fraud, have had these several subjects under their consideration, and have directed me to report

A bill [No. 144] to amend an act entitled "an act for the relief of insolvent debtors," approved February 9th, 1831, and abolish imprisonment for debt;

Which was twice read (the rules of the House having first been dispensed with) and committed to a committee of the whole House and made the special order of the day for Thursday next.

Mr. Stanford, from the Committee on the Affairs of the Town of Indianapolis, to which was referred a petition of John E. McCluer, reported.

A bill [No. 145] to vacate a part of the Madison and Indianapolis state road, and for other purposes;

Which was read the first time and passed to a second reading.

Mr. Howell from the select committee to which was referred a petition on that subject, reported

A bill [No. 146] to locate a state road from Rockport to the head of French Island;

Which was read the first time and passed to a second reading.

Mr. Vawter made the following report, which was read and concurred in:

The Committee on Roads to which was referred the petition of Morgan L. Smith and others, praying the location of a state road from the Eagle creek bridge to Jamestown; and the remonstrance of Henry H. Marvin and others; also the remonstrance of William Harpart and others, have according to order, had the several matters and things therein contained, under their consideration, and from the very great number opposed to the location of said road, the committee have directed me to report it inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

Mr. Davis made the following report:

The Committee on Canals and Internal Improvements to whom was referred several petitions, praying the establishment of a rail road from Lafayette to the present termination of the survey of the Wabash and Erie Canal, have had that subject under their consideration, and have directed me to report, that at this time it is inexpedient to legislate on that subject, and pray to be discharged;

Which was read and concurred in, Mr. Carter of C., however, dissenting therefrom.

Mr. Carter of C., asked and obtained leave to withdraw the petitions accompanying said report;

They were thereupon withdrawn accordingly.

Mr. Carr made the following report:

The select committee to which was referred the petition of James W. Pierson and others, citizens of Jackson county, praying that all that portion of territory in said county of Jackson lying east of the north fork of the Miscatituck may be attached to the county of Scott, and to whom was also referred the remonstrance of William Crenshaw and others on the same subject, have had the same under consideration and have directed me to report that it is inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration thereof;

Which was read and concurred in.

Mr. Johnston of F. made the following report:

The select committee, to whom was referred the petition of sundry citizens of the counties of Franklin, Union, and Wayne, praying the location of a state road from Brookville, in Franklin county, via Fairfield, in Franklin county, Dunlapsville and Brownsville, in Union coun-

ty, to Richmond in Wayne county, have had the same under consideration, and have directed me to report a bill, entitled

A bill (No. 147) to locate a state road from Brookville via Fairfield, Dunlapville, and Brownsville, to Richmond in Wayne county;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time on to-morrow.

Mr. Smith of F. made the following report:

The select committee, to which was referred three several petitions, praying the location of a state road from Connersville to St. Omer, and also a resolution instructing them to inquire into the expediency of locating a state road from St. Omer to Columbus, have had those subjects under consideration, and have directed me to report a bill entitled

A bill [No. 148] to establish a state road from Connersville to St. Omer and Columbus;

Which was twice read (the rules of the House having first been dispensed with) and,

On motion of Mr. Bigger, amended so as to provide that the commissioners named in said bill shall meet at the House of Jehu Perkins in Rush county.

Said bill as amended was then ordered to be engrossed and read a third time to-morrow.

Mr. Bennett made the following report:

The select committee to whom was referred so much of the Governor's Message as relates to the borrowing of \$200,000 for the improvement of roads, have had the same under consideration, and now respectfully report that the improvement of our roads has been the favorite object for many years with the politicians of our state; that as yet that object has not been satisfactorily attained. And although the granaries of the farmer may groan under the accumulated productions of his labor, yet for want of facilities to get to market, his toil though ever so severe goes unrewarded. The immense and ponderous produce of the country at home remains unsold, or if sold, is disposed of at prices calculated rather to crush than encourage the industry of the people.

And although much money has been appropriated by former Legislatures for the improvement of roads, yet that money, it is believed, has not been expended to the best possible advantage; for owing to the unnecessary number of state roads heretofore established in Indiana, this fund has been too profusely scattered and frittered away upon unimportant roads, resulting in no general practicable advantage—nor has it, in the opinion of your committee, been appropriated as intended by the act of Congress creating said fund.

The committee in looking over the statute books of the state, for the last three years, view with extreme regret the unprecedented manner in which they have been enlarged, and expense increased, both in legislation and in printing, to establish not only *state roads*, but also to change many unimportant neighborhood roads to state roads: all of which, in the opinion of your committee, is in anticipation of the three per cent. fund. To avoid which, the committee would respectfully recommend

the anticipation of said fund for a number of years in advance, and an application of the same to the improvement of some of the principal roads in the state; which would be the means of greatly improving them for the transportation of our own products from the interior of the state to the best markets—give additional stimulus to the agricultural interests of the country, and diffuse general prosperity through the state. The committee are fully satisfied that the three per cent. fund will in the course of twenty years, redeem both the principal and interest of the debt contracted, by virtue of the provisions of the accompanying bill, without resorting to taxation, or applying to any other fund belonging to the state for the redemption of the same: Therefore, the committee have directed me to report the following bill, entitled

A bill [No. 149] authorizing a loan for the improvement of roads, and pledging the three per cent. fund for the payment thereof;

Which was twice read, (the rules of the House having first been dispensed with) when

Mr. Chapman moved that it be laid on the table, and that 200 copies thereof be printed for the use of the members of this House.

A division of which question was called for.

The first branch thereof was thereupon put, to-wit:

Shall said bill be laid on the table?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bradbury, Carter of C., Chapman, Evans, Henkle, Johnson of M., Kilgore, Liston, McIntire, Newman, Ray, Schooling, Wilson of P., Wilson of V., Wright and Gregory, Speaker—16.

And those who voted in the negative are,

Messrs. Armstrong, Bell, Bennett, Bigger, Bower, Brackenridge, Brett, Bryan, Carr, Conwell, Cook, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Gaddes, Green, Hannaman, Hardesty, Hargrove, Harris, Hoagland, Howard, Howell, Johnston of F., Kelso, Latshaw, Leslie, Lockhart, Lowe, Marshall, McCalley, McDougale, Mendenhall, Moore, Nave, Parks, Phelps, Puckett, Rockhill, Shank, Shaw, Smith of F., Smith of R., Stafford, Stanford, Storm, Strain, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Wilson of H., and Woodruff—58.

So the House refused to lay said bill on the table.

The second branch of said question was thereupon put, to wit: on printing said bill.

And was decided in the negative.

It was thereupon ordered that said bill be committed to a committee of the whole House, and made the special order of the day for Friday next.

On motion of Mr. Moore,

Mr. Dunning was added to the Committee of Ways and Means.

And then the House adjourned until 3 o'clock P. M.

3 o'clock P. M.

The House met pursuant to adjournment.

Mr. Bigger, after having obtained leave, made the following report.

The Committee of Ways and Means, to which was referred a resolution of the House, instructing said committee to enquire into the expediency of adopting a more equitable mode of levying the taxes in this State, according to the principles of what is usually called the *ad valorem* system of taxation, have had that subject under consideration, and a majority of that committee have directed me to report

A bill (No. 150) to provide for an equitable mode of levying the taxes of this State;

Which was twice read (the rules of the House having first been dispensed with) and committed to a committee of the whole House, and made the special order of the day for Monday next.

Ordered, That 500 copies be printed for the use of the members of this House.

The House then proceeded to the consideration of the orders of the day.

Mr. Vawter moved to re-consider the vote taken on the 29th ultimo on the question to engross the preamble and joint resolution (No. 110) relative to a treaty with the Miami tribe of Indians.

On motion of Mr. Bigger said motion was laid on the table.

The following bill and joint resolution, to wit:

The bill (No. 45) to amend an act entitled an act regulating the practice in chancery, approved Feb. 4th, 1831.

The joint resolution (No. 52) on the subject of exchanging books with the several States,

Were severally read the second time and ordered to be engrossed and read a third time to-morrow.

The engrossed bill from the Senate (No. 7) to locate a State Road from Decatur county to the National Road,

Was read the second time, and ordered to be read a third time to-morrow.

The bill (No. 48) to extend the provisions of an act therein named to Decatur county,

Was read the second time, and,

On motion of Mr. Bryan,

Laid on the table.

The bill (No. 51) to amend an act entitled an act for assessing and collecting the revenue, approved Feb. 10th, 1831.

Was read the second time.

On motion of Mr. Nave the provisions of said bill were extended to the county of Hendricks.

On motion of Mr. Strain, Washington county was added.

On motion of Mr. Vandever, Orange county was added.

On motion of Mr. Moore, Owen county was added.

Mr. Hargrove moved to commit said bill to a committee of the whole House for to-morrow.

Which motion did not prevail.

On motion of Mr. Johnson of M., Marion county was added to the provisions of said bill.

On motion of Mr. Hargrove the county of Gibson was added.

Mr. Strain moved to commit the bill to a committee of the whole House for this day now;

Which motion did not prevail.

Mr. Evans moved to commit said bill to a select committee with instructions to extend the provisions thereof to all the counties in the State.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bigger, Brett, Cook, Culbertson, Dunning, Evans, Gaddes, Green, Hargrove, Kilgore, Lowe, McIntire, Moore, Nave, Parks, Puckett, Stafford, Thompson, Wilson of P., and Wright—20.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bell, Bennett, Bower, Brackenridge, Bradbury, Bryan, Carr, Carter of C., Chapman, Conwell, Crume, Curry, Curtis, Davis, Hannaman, Hardesty, Harris, Henkle, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Kelso, Lashaw, Leslie, Liston, Lockhart, Marshall, McCalley, McDougale, Mendenhall, Phelps, Ray, Rockhill, Schooling, Shank, Shaw, Smith of F., Smith of R., Stanford, Storm, Strain, Torbet, Vandever, Vawter, Walker, Wallace, Wilson of H., Wilson of V., Woodruff, and Gregory, Speaker—54.

So said motion was decided in the negative.

On motion of Mr. Parks, Lawrence county was added to the provisions of said bill.

On motion of Mr. Cook, Bartholomew county was added.

On motion of Hargrove said bill was further amended by inserting therein the following:

“That if any person shall fail to meet the assessor as aforesaid, said person may list his property with said lister at any time within ten days thereafter.

On motion of Mr. Green, Posey county was added to the provisions of said bill.

On motion of Mr. Lowe, the county of Parke was added.

On motion of Mr. Thompson the first section was amended by striking out “\$100” and inserting “\$200” in lieu thereof.

Said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Bell, from the select committee, to which was referred a petition on that subject, reported

A bill (No. 150) supplemental to an act entitled an act to authorize

the Hancock Circuit Court to hold a special session, approved December 20th, 1834;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry the same to the Senate and ask their concurrence.

The House resolved itself into a committee of the whole on the bill (No. 122) to amend an act entitled an act regulating the jurisdiction and duties of Justices of the Peace, approved Feb. 10th, 1831.

And after some time spent therein the Speaker resumed the Chair, and Mr. Brackenridge reported progress and asked leave to sit again; which leave was not granted by the House.

Mr. Vandever moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bower, Carr, Carter of C., Chapman, Cook, Crume, Culbertson, Curtis, Davis, Dunning, Evans, Gaddes, Hardesty, Hargrove, Harris, Henkle, Hoagland, Howard, Howell, Johnson of M., Kelso, Latshaw, Leslie, Lockhart, McCalley, McDougale, McIntire, Moore, Parks, Phelps, Puckett, Rockhill, Schooling, Shank, Shaw, Smith of F., Smith of R., Stafford, Storm, Strain, Torbet, Vandever, Vawter, Walker, Wallace, Wilson of H., Wilson of P., Woodruff, Wright, and Gregory, Speaker—52.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bigger, Brackenridge, Bradbury, Brett, Bryan, Conwell, Green, Hannaman, Johnston of F., Kilgore, Liston, Lowe, Marshall, Nave, Ray, Stanford, Thompson, and Wilson of V.—20.

So said bill was indefinitely postponed.

And then the House adjourned until to-morrow morning at 9 o'clock.

TUESDAY MORNING, JAN. 6, 1835.

The House met pursuant to adjournment.

The following message was received on yesterday from the Senate by Mr. Morris their Secretary:

MR. SPEAKER—

The Senate has passed an engrossed joint resolution [No. 8] relative to the State House, in which the concurrence of the House of Representatives is requested.

The joint resolution named in said message, was read the first time and passed to a second reading.

The following message was received on yesterday from the Senate by Mr. Morris their Secretary:

MR. SPEAKER—

The Senate has passed without amendment, an engrossed bill of the House [No. 151] entitled "an act supplemental to an act entitled an act to authorize the Hancock Circuit Court to hold a special session," approved Dec. 20, 1834.

The Speaker laid before the House a report from the Agent of the 3 per cent. fund, made in obedience to a resolution of the House of Representatives, adopted Dec. 9th, 1834;

Which was read and referred to the committee on Roads.

On motion of Mr. Wallace,

Ordered, That 300 copies thereof be printed for the use of the members of this House.

Mr. Nave presented a petition of Solomon Blair and others, citizens of Hendricks county, praying a change in part of the state road leading from Mooresville to Danville;

Which was read and referred to a select committee of Messrs. Nave, Stafford, and Johnson of M.

Mr. Howard presented a petition of Joel Decoursey and others, praying the appointment of a School Fund Commissioner in Congressional Township No. 3, in Range No. 1 West, in Dearborn and Switzerland counties;

Which was read and referred to the Committee on Education.

Mr. Lockhart presented a petition of Jeremiah Rowland and others, citizens of the county of Washington, praying the incorporation of a company to be styled "The Salem and Ohio Turnpike Company;"

Which was read and referred to a select committee of Messrs. Lockhart, Strain, Bower, Armstrong, and McDougle.

Mr. Bradbury presented a petition of E. F. Donelan and others, citizens of Wayne and Union counties, praying the incorporation of a company to construct a clay turnpike road from Centreville in Wayne county, to College Corner in Butler county, Ohio;

Which was read and referred to a select committee of Messrs. Bradbury, Ray, Curtis, Bennett, Newman, and Mendenhall.

On motion of Mr. Ray, the petition of John Jack and others, heretofore presented and laid on the table, on the same subject as the petition last above named, was taken up and referred to the same select committee.

On motion of Mr. Bennett, the petition of J. Taylor and others, heretofore presented and laid on the table, relative to a clay turnpike road from Brownsville in Union county, to Centreville in Wayne county, was taken up and referred to the same select committee to which were referred the two petitions last above named.

Mr. Curry presented a petition of Samuel Monahan and others, pray-

ing a change in part of the state road leading from Delphi to Crawfordsville;

Which was read and referred to a select committee of Messrs. Curry, Angle, Henkle, Davis, and McIntire.

Nr. Carter of C., presented a petition of John Knight, Commissioner on the state road leading from Delphi to Muncietown, praying relief;

Which was read and referred to the committee on Roads.

Mr. Chapman presented a petition of Elihu Trimble and others, citizens of Elkhart county, praying the incorporation of a company to be styled "Turkey Plain Manufacturing Company;"

Which was read and referred to a select committee of Messrs. Chapman, Carter of C., Liston, Henkle, and Rockhill.

Mr. Bower presented a petition of Thomas Dougan and others, praying a change in part of the state road leading from New Washington to Bethlehem in Clarke county;

Which was read and laid on the table.

Mr. Kelso made the following report:

The Committee on Elections to whom was referred a resolution directing them to inquire into the expediency of reporting a bill to this House to provide for the election of county Treasurer and Surveyor and other officers, by the people, have had the same under consideration, and have directed me to report a bill for the counties of Fayette, Dearborne, and Switzerland; and as to any and all other matters of and concerning said resolution, do report, that in their opinion it is inexpedient to legislate upon it at this time, &c.

The bill accompanying said report, entitled

A bill (No. 151) to authorize the counties therein named, to elect certain officers therein named, and for other purposes;

Was twice read (the rules of the House having first been dispensed with) when,

On motion of Mr. Vandever, the provisions of said act were extended to the county of Orange.

On motion of Mr. Carter of C., the county of Carroll was included in the provisions of the same.

On motion of Mr. Kelso, said bill was recommitted to a select committee.

Ordered, That Messrs. Kelso, Vandever, Walker, Torbet, and Smith of F., be that committee.

The residue of said report was then concurred in by the House.

Mr. Smith of F., made the following report:

MR. SPEAKER—

The Judiciary Committee to which was referred the petition of Jesse J. Burton of Clay county, praying an inquiry into the official conduct of Nicholas G. Cromwell, an Associate Judge of the Circuit Court in said county, have according to order had that subject under consideration, and have directed me to report, that after having examined sundry witnesses relative to the subject, they find the following facts to be made out substantially against the said Nicholas G. Cromwell:

That on the 13th day of June, A. D. 1834, Jesse J. Burton recovered a judgment before John Rose, a Justice of the Peace of Clay county, against Thomas Luther, for the sum of one dollar sixty-six and three quarter cents; that on the said 14th June 1834, an execution *fi. fa.* was issued by the said Justice, on the said judgment, against the said Thomas Luther, and placed in the hands of A. T. Rose, a Constable in the said county of Clay, which said execution was returned by said Constable, on the 14th July, 1834, endorsed "no property found whereon to levy." That on the 24th day of November 1834, a *capias ad satisfaciendum* was issued by the said Justice of the Peace, on the said judgment, in favour of the said Jesse J. Burton, against the said Thomas Luther, which was placed in the hands of Nathan Burchfield, a Constable of the said county of Clay.

Your committee also find that on the said 24th day of November, 1834, the said Nathan Burchfield executed the said *capias ad satisfaciendum*, by taking into his custody the body of the said Thomas Luther, and delivering him over to Lawrence Leonard, the sheriff and jailor of said county of Clay; that the said Lawrence Leonard as such sheriff and jailor, upon the request of the said Thomas Luther, took him the said Thomas before the said Nicholas G. Cromwell the said associate judge, for the purpose of enabling him the said Thomas to take the oath prescribed in the 18th section of the act entitled "an act subjecting real and personal estate to execution," approved Feb. 4, 1831, in order to procure his discharge from such arrest. That the said Nicholas G. Cromwell, upon the said Thomas Luther being brought before him, wilfully, designedly, and corruptly refused and neglected to give to the said Jesse J. Burton, the said execution plaintiff any notice whatever, that he was about to administer to the said Thomas Luther the said oath, but the said Nicholas G. Cromwell, did then and there wilfully, corruptly, and designedly, and in open and direct violation of law, proceed to administer to the said Thomas Luther the oath prescribed in the 18th section of the act above described, and did then and there discharge the said Thomas Luther from the said arrest; the said Jesse J. Burton having no notice of the time or place at which, or the officer before whom the said oath was taken. That the said Cromwell refused to deliver to the officer in whose custody the said Luther was, the oath taken and signed by the said Luther, which was necessary, to enable said officer to make his return, by means whereof the said Jesse J. Burton, such execution plaintiff was wholly prevented from propounding to the said Thomas Luther such questions respecting his property, rights, credits, monies, and effects, as by law he was authorized to propound.

Your committee are therefore of opinion that the said Nicholas G. Cromwell, as such associate judge, has been guilty of a gross and palpable violation of his power and authority, and that justice demands that an inquiry should be instituted into his official conduct. For the purpose, therefore, of affording to the said petitioner the remedy pointed out by the constitution, for the grievance complained of, and also to put the said Nicholas G. Cromwell upon his trial, and to afford him

an opportunity of presenting a justification of his official conduct, (if in his power to do so,) your committee submit for the adoption of the House, the following resolution:

Resolved, That a committee be appointed to draft articles of impeachment, on behalf of the House of Representatives, against the said Nicholas G. Cromwell, an associate judge of the county of Clay, for a high misdemeanor, in his official capacity as such associate judge, upon the charge above mentioned.

Which was read and said resolution adopted.

Ordered, That Messrs. Smith of F., Marshall, Kilgore, Thompson, and Kelso, be a committee in pursuance of said resolution.

Mr. Johnson of F. made the following report, which was read and concurred in:

The Judiciary committee to whom was referred the petition of Alfred Caldwell and others, of Decatur county, praying a change in the probate business, and for a transfer of the same to the circuit court, &c., have according to order, had that subject under their consideration, and have directed me to report, that legislation upon that subject at this time is inexpedient, and ask to be discharged from the further consideration of the same.

Mr. Ray made the following report, which was read and concurred in:

The Judiciary committee to which was referred so much of the Governor's message as relates to probate courts, and to whom was referred a resolution of this House, instructing them to inquire into the expediency of abolishing the present probate system, and give the several circuit judges full and complete jurisdiction of all matters of probate, both in law and in chancery, by amending an act regulating the practice in suits at law, approved Jan. 20, 1831; and also an act regulating the practice in chancery, approved Feb. 10, 1831; and to give the circuit court three terms a year, have according to order, had had these subjects under their consideration, and have directed me to report that legislation upon those subjects at this time is inexpedient, and ask to be discharged from the further consideration of the same.

Mr. Brett made the following report, which was read and concurred in:

The committee on the Judiciary to whom was referred a resolution instructing them to inquire into the expediency of so amending the probate law, as to throw all suits by or against executors, administrators, or guardians, into the circuit courts, or before justices of the peace, as the amount of each claim, or the nature of each case may permit or require;—leaving to the probate judges under their present title, or the title of surrogate, exclusive jurisdiction in all matters relating to the probate of last wills and testaments; granting letters testamentary, letters of administration, and of guardianship; the settlement and distribution of decedents' estates, and the examination and allowance of the accounts of executors, administrators, and guardians; to be compensated for the performance of the various duties, by such fees as may be deemed reasonable; have directed me to report that it

is inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration thereof.

Mr. Ray made the following report, which was read and concurred in:

The committee on the Judiciary, to which was referred a resolution of this House, instructing them to inquire into the expediency of so amending the law relative to the trial of criminals, as to authorize special sessions of the circuit court, for the trial of such persons as may be committed to jail during the vacation of the circuit court, have according to order, had that subject under their consideration, and have instructed me to report that any legislation upon that subject at this time is inexpedient, and ask to be discharged from the further consideration thereof.

Mr. Bigger made the following report:

The committee on Education to which was referred the petition of Thomas Newbury and others, praying to be incorporated as a literary society, have had that subject under consideration, and have directed me to report

A bill [No. 152] to incorporate the Western Literary Society in the county of Montgomery;

Which was read the first time and passed to a second reading.

Mr. Wallace moved to re-consider the vote taken on this day concurring in the report made by Mr. Ray from the Judiciary committee, relative to transferring the probate business to the circuit courts.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bigger, Bradbury, Brett, Bryan, Carter of C., Chapman, Conwell, Crume, Culbertson, Evans, Green, Hannaman, Hargrove, Henkle, Howell, Johnston of F., Kelso, Kilgore, Leslie, Liston, Marshall, Moore, Nave, Newman, Parks, Phelps, Ray, Rockhill, Smith of F., Stafford, Thompson, Vandever, Wallace, Wilson of H., Wilson of V., Wright, and Gregory, Speaker—37.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bell, Bennett, Bower, Brackenridge, Carr, Cook, Curry, Curtis, Davis, Dunning, Gaddes, Hardesty, Harris, Hoagland, Howard, Johnson of M., Latshaw, Lockhart, Lowe, McCalley, McDougle, McIntire, Mendenhall, Puckett, Schooling, Shank, Shaw, Smith of R., Stanford, Storm, Strain, Torbet, Vawter, Walker, Wilson of P., and Woodruff—38.

So said vote was not re-considered.

Mr. Henkle made the following report:

The committee on Canals and Internal Improvements, to whom was referred a resolution instructing them to inquire into the propriety of memorializing Congress asking a grant of lands to enable the states of Indiana and Illinois to construct a rail road from Lafayette to Chicago,

have had that subject under consideration, and a majority of them have instructed me to report the following memorial and joint resolution, entitled

A memorial and joint resolution [No. 153] of the Legislature of Indiana, praying a grant of lands to enable the States of Indiana and Illinois to construct a rail road from Lafayette to Chicago.

Said memorial and joint resolution was read the first time and passed to a second reading.

Mr. Shaw, from the select committee to which was re-committed the bill [No. 83] to abolish imprisonment for debt, reported the same with one amendment;

Which was read, when,

On motion of Mr. Vawter, said bill and proposed amendment were laid on the table.

Mr. Carter of C., from the select committee to which was referred a petition of Walter Wilson and others on that subject, reported

A bill [No. 154] to incorporate the Logansport and Wabash Bridge Company;

Which was read the first time and passed to a second reading.

Mr. Liston, from the select committee to which was referred a petition on that subject, reported

A bill [No. 155] to incorporate the Mishawaka Bridge Company;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time tomorrow;

Mr. Wallace, from the select committee to which was referred a petition on that subject, reported

A bill [No. 156] granting relief to Asa Smith and others;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time tomorrow.

Mr. Schooling made the following report:

The select committee, to whom was referred a resolution to inquire into the expediency of reporting a bill to amend an act entitled an act to encourage the killing of Wolves, approved Feb. 10, 1831, so as to allow the affidavit required now to be made before the clerks of the circuit courts, to be made before a justice of the peace of the proper county, with leave to report by bill or otherwise, have directed me to report a bill on that subject entitled

A bill [No. 157] to amend an act entitled an act to encourage the killing of Wolves, approved Feb. 10, 1831;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time tomorrow.

The House resumed the consideration of the resolution pending at the adjournment on Friday evening last, relative to the navigation of the two White rivers.

The question was then put on the pending motion of Mr. Vawter to include in said resolution the Muskakatumuk river,

And passed in the affirmative.

On motion of Mr. Kelso, Loughery river was inserted.

On motion of Mr. Bigger, Big Flat Rock and Big Blue rivers were inserted.

On motion of Mr. Bryan, Big and Little Sand creeks and Clifty were included in said resolution.

Mr. Vandever moved to insert Lost river;

Which motion did not prevail.

The question was then put,

Shall said resolution be adopted?

And decided in the negative.

On motion of Mr. Conwell,

Resolved, That the committee on Education be instructed to inquire into the expediency of authorizing and compelling the proper officers to return all the delinquent lands to the trustees of the proper townships, in which said lands lie; and that the trustees after the expiration of three years after such return, be authorized to lease for the term of fifteen years from the time of such return, said lands so returned, and to secure in such case the payment of the tax in future from the tenant or lessee; and that in case the proper owner of such land, at any time before the expiration of such lease, pays the full and proper charges against such lands to the said trustees, such proper owner shall then sustain the relation of landlord until the expiration of such lease, and that then the full right shall vest in him—with leave to report by bill or otherwise.

On motion of Mr. Smith of R.,

Resolved, That the committee on Education be instructed to inquire if a law should be passed providing a mode for the relief of resident citizens of this state, whose lands or town lots may have been twice listed in the same year, and returned by the collector of any county in this state to the school commissioner thereof as non-resident lands or town lots by their numbers, and to provide by law a mode that such mistakes and false enlistments may be corrected—with leave to report by bill or otherwise.

On motion of Mr. Newman,

Resolved, That the Committee on Education do inquire into the expediency of authorizing the district trustees, in the several Congressional townships, to levy a tax on the lands of persons not residents of their district, and on school lands not subject to a State and county tax, for the purpose of building a school house in their district, and for other school purposes; and upon the non-payment of said tax to provide a remedy by law to enforce the collection of said tax, by distress and sale of the personal property of such delinquent, if any such property can be found in the county, if not, then by sale of such real estate; and that all monies arising from taxes aforesaid, shall be applied to school purposes in the district in which the said lands are situate.

On motion of Mr. Green,

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of appointing the Judges of the Supreme Court,

or other persons skilled in the law, commissioners to arrange, condense, and prepare for publication the common and statute law in force in this State, by virtue of an act declaring what laws shall be in force, approved January 2d, 1818, or so much thereof as they may deem advisable; the subjects to be arrayed in alphabetical order, after the same manner as the best law digests; with leave to report by bill or otherwise.

On motion of Mr. Mendenhall,

Resolved, That the Committee on the Affairs of the town of Indianapolis be required to inquire into the expediency of providing by law for the sale of the circle and house thereon, called the Governor's circle; also the land in the Indianapolis donation belonging to the State, except one lot of at least four acres, to be laid off on the most eligible spot, for the Governor's residence, to be known by the name of the Governor's square; with leave to report by bill or otherwise.

Mr. Ray moved the following resolution:

Resolved, That the Judiciary Committee be instructed to inquire whether wheat, corn and other grain, fruit, vegetables, and grass, are such property as are now or ought to be made subject to the execution of a justice of the peace; and whether the same is such property as is now or ought to be assets in the hands of an executor or administrator, without an order of the Probate Court, and whether the same ought to be made subject to such execution or to administration before the same are ripe and fit to gather or harvest, or before the same are severed from the freehold; and that said committee also inquire into the expediency of making subject to execution all choses in action, and stock in all incorporated companies in this State, and money, watches, and jewels of all kinds, not necessities, that may be found with or about the person of any execution debtor; and that said committee report by bill or otherwise.

Mr. Wallace moved to amend the same by striking it out from the word choses in action inclusive.

Which motion did not prevail.

On motion of Mr. Evans said resolution was amended by inserting after the words "choses in action" the following: "and equitable titles to real estate."

The question was then put:

Shall said resolution be adopted?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bennett, Bigger, Bower, Brachenridge, Bradbury, Brett, Chapman, Conwell, Cook, Culbertson, Curtis, Davis, Dunning, Evans, Green, Hannaman, Hardesty, Harris, Henkle, Hoagland, Johnson of M., Johnston of F., Kelso, Kilgore, Latshaw, Leslie, Liston, Lowe, McIntire, Mendenhall, Moore, Newman, Parks, Phelps, Puckett, Ray, Rockhill, Schooling, Shaw, Smith of F., Stafford, Stanford, Storm, Thompson, Torbet, Vawter, Walker, and Woodruff—50.

And those who voted in the negative are,

Messrs. Bell, Bryan, Carr, Carter of C., Crume, Curry, Gaddes, Hargrove, Howard, Howell, Lockhart, Marshall, McCalley, McDougle, Nave, Shank, Smith of R., Strain, Vandever, Wallace, Wilson of H., Wilson of P., Wilson of V., Wright, and Gregory, Speaker—25.

So said resolution was adopted.

On motion of Mr. Dunning,

Resolved, That the Judiciary Committee be instructed to inquire what statutory enactments are necessary (if any) to prevent persons from committing injuries to the State House or any other public property belonging to the State in the town of Indianapolis, and also to punish persons who may be guilty of committing injuries to said property; with leave to report by bill or otherwise.

On motion of Mr. Moore the resolution moved by him and laid on the table on the 13th ult., relative to printing and distributing the Journals, was taken up and adopted.

And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

Mr. Shaw moved to suspend the previous orders of the day, and that the bill [No. 85] to abolish imprisonment for debt, heretofore laid on the table, be now taken up;

Which motion was decided in the negative.

The House then proceeded to consider the orders of the day, and again resolved itself into a committee of the whole on the bill [No. 126] laying out all the unorganized territory to which the Indian title has been extinguished in this State, into a suitable number of counties, and for other purposes, and on sundry other bills &c. committed to the same committee, and after some time spent therein, the Speaker resumed the Chair, and Mr. Stanford reported

The bill [No. 109] attaching certain territory to Lagrange county, &

The bill [No. 22] for the formation of the county of _____, and for other purposes, with an amendment to each, and the other bills without amendment.

The said amendments were read and concurred in.

On motion of Mr. Evans, said bill [No. 109] was indefinitely postponed.

On motion of Mr. Liston, the name of John McCullough inserted in said bill [No. 22] as a Commissioner, was stricken out, and the name of William L. Earl, inserted in lieu thereof.

The said bill was then read the third time and passed.

On motion of Mr. Evans, the title thereof was amended by filling the blank with the word "Noble."

Ordered, That said bill be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

The bill [No. 126] laying out all the unorganized territory to which the Indian title has been extinguished in this State, into a suitable number of counties, and for other purposes, was recommitted to a committee of the whole House for this day now;

Whereupon, the House again resolved itself into a committee of the whole on said bill, and after some time spent therein, the Speaker resumed the Chair, and Mr. Stanford reported the same with sundry amendments;

Which were read and concurred in.

And on the question, shall said bill be engrossed and read a third time to-morrow?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bell, Bennett, Bigger, Bower, Bradbury, Brett, Bryan, Carr, Carter of C., Chapman, Conwell, Cook, Culbertson, Curry, Curtis, Davis, Dunning, Evans, Gaddes, Green, Hannaman, Hardesty, Harris, Hoagland, Howell, Johnson of M., Johnston of F., Kilgore, Latshaw, Liston, Lockhart, Lowe, Marshall, McCalley, McIntire, Mendenhall, Newman, Parks, Ray, Rockhill, Schooling, Shank, Shaw, Smith of F., Smith of R., Stafford, Stanford, Storm, Thompson, Torbet, Vawter, Walker, Wallace, Wilson of P., Woodruff, and Gregory, Speaker—58.

And those who voted in the negative are,

Messrs. Brackenridge, Crume, Hargrove, Henkle, Howard, Kelso, Leslie, McDougle, Moore, Nave, Phelps, Strain, Vandever, Wilson of H., Wilson of V., and Wright—16.

So it was

Ordered, That said bill be engrossed and read a third time to-morrow.

The further consideration of the report of the 2d above named committee of the whole, was for the present postponed.

Mr. Howell, from the joint committee on Enrolled Bills, reported, that they had compared the engrossed with the enrolled bill which originated in the House of Representatives, entitled as follows, to-wit:

No. 151—An act supplemental to an act to authorize the Hancock Circuit Court to hold a special session, approved Dec. 20th, 1834, and find the same truly enrolled;

Whereupon, the Speaker signed said bill.

Ordered, That the Clerk carry it to the Senate for the Signature of their President.

Mr. Howell, from the Joint Committee on Enrolled Bills, reported, that they did on this day, present to His Excellency the Governor, for his approval and signature, bills which originated in the House of Representatives, of the following titles, to wit:

No. 7—An act to incorporate the Vincennes Medical Society, for the promotion of correct medical knowledge;

No. 47—An act further to amend an act entitled "an act to provide for the sale of certain lands therein named," approved February 2d, 1833;

No. 107—An act for the relief of Nathan Harlin, and for other purposes; and

A memorial and joint resolution which originated in the House of Representatives, entitled as follows:

No. 91—A memorial and joint resolution of the General Assembly of the State of Indiana, praying a further donation of the public domain to assist in the completion of the Wabash and Erie Canal, and in the construction of such other works of internal improvement as will have a direct tendency to open a line of communication between the Wabash and Ohio rivers.

And also a bill which originated in the Senate, of the following title, to wit:

No. 35—An act to amend an act to regulate trials of the right of property, approved February 1st, 1834.

On motion of Mr. Kilgore, Messrs. Smith of F., Marshall, and Liston, were added to the select committee to which were referred petitions on the subject of the navigation of the Mississinaway river.

And then the House adjourned until to-morrow morning at 9 o'clock.

WEDNESDAY MORNING, JAN. 7, 1835.

The House met pursuant to adjournment.

Mr. Smith of R. moved to re-consider the vote taken yesterday, on the adoption of the resolution reported by the Judiciary committee directing articles of impeachment to be drawn against Nicholas G. Cromwell, an associate judge of the circuit court of Clay county.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bennett, Bower, Brackenridge, Bradbury, Carr, Carter of C., Chapman, Conwell, Cook, Culbertson, Curry, Curtis, Davis, Green, Hardesty, Hargrove, Hoagland, Howard, Howell, Latshaw, Lockhart, McCalley, McDougle, M'Intire, Mendenhall, Newman, Phelps, Ray, Rockhill, Shank, Shaw, Smith of R., Stafford, Stanford, Storm, Strain, Torbet, Vandever, Walker, Wilson of P., and Wilson of V.—43.

And those who voted in the negative are,

Messrs. Bell, Bigger, Brett, Bryan, Crume, Dunning, Evans, Han-

naman, Henkle, Johnson of M., Johnston of F., Kelso, Kilgore, Leslie, Liston, Lowe, Marshall, Moore, Nave, Puckett, Schooling, Smith of F., Thompson, Vawter, Wallace, Wilson of H., Woodruff, Wright, and Gregory, speaker—31.

So said vote was re-considered.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

And resumed the consideration of the resolution pending at the last adjournment.

The question was then put, shall said resolution be adopted?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bell, Bennett, Brett, Bryan, Crume, Culbertson, Curtis, Davis, Dunning, Evans, Gaddes, Hannaman, Henkle, Johnson of M., Johnston of F., Kelso, Kilgore, Leslie, Liston, Lowe, Marshall, Moore, Nave, Parks, Puckett, Schooling, Smith of F., Thompson, Vawter, Wallace, Wilson of H., Wright, and Gregory, speaker—33.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bower, Brackenridge, Bradbury, Carter of C., Carr, Chapman, Conwell, Cook, Curry, Green, Hardesty, Hargrove, Hoagland, Howard, Howell, Latshaw, Lockhart, McCalley, McDougale, M'Intire, Mendenhall, Newman, Phelps, Ray, Rockhill, Shank, Shaw, Smith of R., Stafford, Stanford, Storm, Strain, Torbet, Vandever, Walker, Willet, Wilson of P., Wilson of V., and Woodruff—41.

So said resolution was not adopted.

On motion, Messrs. Dunning and Culbertson were added to the select committee to which was heretofore referred a petition, praying a change in the law regulating mill and millers.

A message from the Senate, by Mr. Morris, their Secretary.

MR. SPEAKER,

The Senate has passed a memorial and bills of the Senate entitled as follows, to wit:

No. 52—a joint memorial of the General Assembly of the State of the State of Indiana;

No. 53—an act to repeal part of an act to provide for the removal of obstructions of the navigation of Eel river, approved Jan. 4, 1830.

No. 60—an act to amend "an act to organize probate courts, and defining the powers and duties of executors, administrators, and guardians," approved Feb. 10, 1831;

Also, engrossed bills of the House entitled as follows:

No. 39—an act appropriating certain monies accruing to the incorporation of the town of Crawfordsville to the purposes of building a market-house, and improving the streets of said town;

No. 72—an act to transfer the appropriation of certain monies therein named;

No. 101—an act to establish a State road in Dearborn county;

No. 138—an act changing the time of holding the probate court in the county of Pike;—and

No. 40—an act to locate a State road from Petersburg to Carlisle via Bruceville; all without amendment, except the last named (No. 40.).

In which bills of the Senate and the amendments proposed to the bills of the House, the concurrence of the House of Representatives is requested.

The memorial and joint resolution, named in said message, was read the first time and passed to a second reading.

The engrossed bill of the Senate [No. 53,] named in said message was three times read (the rules of the House having first been dispensed with,) and passed.

Ordered, That the clerk inform the Senate thereof.

The engrossed bill of the Senate [No. 60,] named in said message was twice read, (the rules of the House having first been dispensed with,) and

On motion of Mr. Smith of F.,

Committed to a select committee.

Ordered, That Messrs. Smith of F., Kelso, Bryan, Crume, and Wallace be that committee.

The several amendments proposed by the Senate to the bill of the House named in said message, were severally read and concurred in.

Ordered, That the clerk inform the Senate thereof.

Mr. Hardesty, after having obtained leave, moved the following resolution:

Resolved, That the sergeant-at-arms be instructed to inform the witnesses now in attendance in the case of the State against Nicholas G. Cromwell, that they are discharged from further attendance in said case.

On motion of Mr. Moore,

The same was amended, by adding thereto the following:

“That the committee of Ways and Means be instructed to report a bill providing for paying the witnesses called for by this House to appear before the judiciary committee, in inquiring into the petition of Jesse J. Burton.

Mr. Thompson moved to lay the said resolution on the table;

Which motion was decided in the negative.

The question was then put, on the adoption of said resolution.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative, are

Messrs. Angle, Bower, Brackenridge, Bradbury, Bryan, Carr, Carter of C., Chapman, Conwell, Cook, Curry, Curtis, Dunning, Hannaman, Hardesty, Hargrove, Henkle, Hoagland, Howard, Howell, Johnson of M., Latshaw, Liston, Lockhart, McCalley, McDougale, M'Intire, Moore, Newman, Puckett, Ray, Rockhill, Schooling, Shank, Shaw, Smith of R., Stafford, Stanford, Storm, Strain, Terbet, Vandever, Walker, Willet, Wilson of H., Wilson of P., Wilson of V., Woodruff, Wright, and Gregory, speaker—50.

And those who voted in the negative, are

Messrs. Armstrong, Bell, Bennett, Brett, Crume, Culbertson, Davis, Evans, Gaddes, Johnson of F., Kelso, Kilgore, Leslie, Lowe, Marshall, Nave, Parks, Phelps, Smith of F., Thompson, Vawter, and Wallace—22.

So said resolution was adopted.

Mr. Crume presented the account of Nathan Burchfield, Allen T. Rose, John Rose, Lawrence Leonard, and Jesse J. Burton, witnesses, &c., on behalf of the State in the case of Nicholas G. Cromwell;

Which was read and referred to the committee of Ways and Means.

On motion of Mr. Bryan,

Mr. Marshall was added to the committee on roads.

And then the House adjourned until to-morrow morning at nine o'clock.

THURSDAY MORNING, JAN. 8, 1835.

The House met pursuant to adjournment.

On request, Messrs. Evans, Kilgore, Marshall, Hannaman, Smith of F., Thompson, Kelso, Brett, Nave, Liston, and Johnston of F., were excused from further service on the Judiciary committee.

Mr. Vandever moved that the several members above excused from serving on the Judiciary committee be added to the committee on Roads;

Which motion was decided in the negative.

Mr. Kilgore moved that Messrs. Shaw and Vandever be added to the committee on the Judiciary;

Which motion passed in the affirmative.

Mr. Crume, after having obtained leave, moved the following resolution:

Resolved, That the committee of Ways and Means be directed to allow Nathan Burchfield, Allen T. Rose, Lawrence Leonard, John Rose,

and J. J. Burton, the sum of fifteen dollars and twenty-five cents each, for their services as witnesses in the case of the State of Indiana against N. G. Cromwell.

Mr. Bryan moved to amend said resolution, by providing that the witnesses named therein be allowed the sum of one dollar per day each, instead of one dollar and twenty-five cents, as allowed in said resolution.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bryan and Smith of R.—2.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bell, Bennett, Bower, Bradbury, Brett, Carter of C., Chapman, Conwell, Cook, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Evans, Gaddes, Green, Hannaman, Hardesty, Hargrove, Harris, Henkle, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Kelso, Kilgore, Latshaw, Leslie, Liston, Lockhart, Lowe, Marshall, M'Calley, McDougale, McIntire, Mendenhall, Moore, Nave, Newman, Parks, Phelps, Puckett, Ray, Rockhill, Schooling, Shank, Shaw, Smith of F., Stafford, Stanford, Storm, Strain, Thompson, Torbet, Vandever, Vawter, Wallace, Wilson of H., Wilson of P., Wilson of V., Woodruff, Wright, and Gregory, Speaker—69.

So said motion to amend was decided in the negative.

On motion of Mr. Crume, said resolution was amended by striking out "\$15 25 cts," and inserting in lieu thereof "\$16 50 cts."

Said resolution as amended was then adopted.

Mr. Walker presented a petition of M. E. Israel, praying the passage of a law authorizing him to build a bridge across Hogan creek near the mouth thereof;

Which was read and referred to a select committee of Messrs. Walker, Torbet, Howard, Kelso, and Smith of R.

Mr. Kelso presented a petition of Asaph Buck and others, praying a state road from Patriot, in Switzerland county, to a point on the Versailles state road in Ripley county;

Which was read and referred to a select committee of Messrs. Kelso, Howard, Walker, Smith of R., and Torbet.

Mr. Torbet presented two petitions of Rufus Holcomb and others, praying a removal of the seat of justice of Dearborn county;

Which were severally read and laid on the table.

Mr. Kilgore presented an account of M'Clure & Wheat, for chairs &c. furnished the State;

Which was read and referred to the committee on Claims.

Mr. Wilson of V. presented a remonstrance of G. W. Ball and others, against any change of so much of the Fredericksburgh and Terre Haute state road as lies in Vigo county;

Which was read and referred to the committee on Roads.

On motion of Mr. Wilson of V. the petition of Thomas Saukey and

others, praying the establishment of so much of the Fredericksburgh and Terre Haute state road as lies in Vigo county according to the first survey, was taken up and referred to the committee on Roads.

Mr. Carter of C. presented a petition of Jesse Spray and others, citizens of Carroll county, praying that a portion of said county may be attached to the county of Cass;

Which was read and referred to a select committee of Messrs. Carter of C., Davis, Henkle, Angle, and Curry.

Mr. Nave presented a petition of Samuel Harman and others, praying the incorporation of a company to construct a rail road from Montezuma, via Rockville, Greencastle, and Danville, to Indianapolis;

Which was read and referred to a select committee of Messrs. Nave, Gaddes, Hardesty, Lowe, and Wilson of P.

Mr. Wallace presented a petition of M. G. Bright and others, citizens of the counties of Jefferson and Ripley, praying a state road from Madison to Versailles;

Which was read and referred to a select committee of Messrs. Wallace, Marshall, Vawter, Cook, and Woodruff.

Mr. Hardesty presented a petition of Isaac Ash and others, praying the incorporation of a company to build a steam mill in the town of Green Castle;

Which was read and referred to a select committee of Messrs. Hardesty, Gaddes, Lowe, Angle, and Nave.

Mr. Leslie presented a petition of Thomas Dunn, and others, praying a law to authorize the sale of section 16, in township 5, of range 3, in Harrison county, on a credit of twelve years, &c.;

Which was read and referred to the committee on Education.

Mr. Wilson of P. presented a petition of Salmon Lusk and others, citizens of Parke county, praying an act of incorporation to authorize the building a bridge across Sugar creek at Lusk's mill;

Which was read and referred to a select committee of Messrs. Wilson of P., Lowe, Evans, Curry, and Henkle.

Mr. Howard presented a letter from John Havron, remonstrating against a state road from opposite the Yellow Banks, on the Ohio river, to Haydon's Ferry;

Which was read and referred to the same select committee to which was heretofore referred a petition in relation to said road.

Mr. Henkle, after having obtained leave, presented

A bill [No. 158] to amend an act to incorporate the town of Lafayette, accompanied by a petition on the same subject.

Said bill was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read the third time tomorrow.

Mr. Kilgore, on leave being granted him for that purpose, presented

A bill [No. 159] to establish a certain state road in Delaware and other counties;

Which was twice read (the rules of the House having first been dispensed with) and,

On motion of Mr. Bell,

Ordered, That the same do lie on the table.

Mr. Strain, having obtained leave, presented

A bill [No. 160] to incorporate the Washington County Trading and Manufacturing Company, accompanied by a petition on that subject.

Said bill was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Liston presented a petition of John Green & others, citizens of the counties of St. Joseph and Laporte, praying a state road from the eastern line of the state where the Chicago and Detroit road crosses the same, through the town of Laporte to the western boundary of the state;

Which was read and laid on the table.

Mr. Marshall, after having obtained leave, presented a bill, [No. 161] supplemental to an act entitled an act regulating the practice in suits at law, approved January 29, 1831;

Which was read the first time and passed to a second reading.

Mr. Armstrong presented a petition of Joseph Lefevre, Sen'r, praying to be divorced from his wife Hannah—with accompanying documents;

Which were read and referred to the Committee on the Judiciary.

Mr. Carter of C., presented a petition of Samuel Jamison and others, citizens of Carroll and Cass counties, praying the location of the Wabash and Erie Canal on the line surveyed by Col. Moore, on the north west side of the Wabash river. Also, a petition of Joseph Garrett and others, praying the same location of the canal, and that it stop at the mouth of Tippecanoe river, with a view of its future continuation thence down the valley of White river.

Also a petition of Moses Rush and others, citizens of Indiana, praying the same objects, and the construction of a bridge across the Wabash river at the mouth of Tippecanoe river;

Which three several petitions were read and referred to the Committee on Canals and Internal Improvements.

Mr. Chapman presented a petition of Thomas Moore and others, praying a state road from South Bend to a point near Wolf Lake;

Which was read and referred to the committee on roads.

Mr. Wilson of P., after having obtained leave presented

A bill (No. 162) to amend an act entitled "an act for the inspection of flour, beef, and salt," approved January 24th, 1829;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Hargrove, after having obtained leave, presented a joint resolution and memorial (No. 163) in relation to certain saline reservations therein mentioned;

Which was twice read by consent of the House, when

Mr. Wallace moved that it be committed to a committee of the whole House for to-morrow;

Which motion was lost.

Mr. Kilgore moved to change the phraseology of that clause which "instructs our Senators in Congress," so as to read "request," And the ayes and noes being required on said motion by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bell, Brackenridge, Bradbury, Bryan, Carter of C., Conwell, Cook, Crume, Curry, Curtis, Hannaman, Henkle, Hoagland, Johnson of M., Johnston of F., Kilgore, Leslie, McDougale Mendenhall, Newman, Puckett, Schooling, Smith of F., Thompson, Vawter, Wallace, Wilson of P.,—28.

And those who voted in the negative are,

Messrs. Angle, Bennett, Bower, Brett, Carr, Chapman, Culbertson, Davis, Dunning, Evans, Gaddes, Green, Hardesty, Hargrove, Harris, Howard, Howell, Kelso, Latshaw, Liston, Lockhart, Lowe, Marshall, McCalley, McIntire, Moore, Nave, Parks, Phelps, Ray, Rockhill, Shank, Shaw, Smith of R., Stafford, Stanford, Storm, Strain, Torbet, Vandever, Walker, Wilson of H., Wilson of V., Woodruff, Wright, and Gregory, Speaker—46.

So said amendment was not agreed to.

It was thereupon

Ordered, That said memorial be engrossed and read a third time to-morrow.

Mr. Nave, after having obtained leave, presented

A bill (No. 164) concerning witness fees in criminal cases where the State fails in her prosecution;

Which was twice read (after a suspension of the rules for that purpose) when

Mr. Nave moved that it be committed to the same select committee raised by a resolution of this House, upon the subject of privileging persons from serving as jurors before justices of the peace out of their townships;

Which motion did not prevail. And thereupon,

On motion of Mr. Smith of F., said bill was committed to a committee of the whole House for to-morrow.

Mr. Hardesty, from the Committee of Enrolled Bills reported, that they did on this day present to His Excellency the Governor, for his approval and signature, the bills entitled acts as follows, to wit:

No. 20—An act to locate a state road from Levenworth town in Crawford county, to Salem in Washington county; and

No. 151—An act supplemental to an act to authorize the Hancock Circuit Court to hold a special session, approved, Dec. 20th, 1834.

On motion of Mr. Shaw, the several orders of the day which precede bills on their third reading were for the present postponed, for the purpose of considering those bills.

A motion was thereupon made by Mr. Vawter to take up (from the table) the bill [No. 83] to abolish imprisonment for debt;

Which motion did not prevail.

On motion of Mr. Brett, the engrossed bill (No. 38) to amend an act entitled "an act to provide a fund to encourage common schools," approved February 2, 1832, laid on the the table on the 1st instant, was taken up and passed.

The engrossed bill (No. 121) to incorporate the Spencer Steam Mill Company; and

The engrossed bill (No. 124) declaring a certain road therein named, a state road;

Were severally read the third time and passed.

Ordered, That said bills (Nos. 38, 121, and 124, be entitled acts, and that the Clerk carry them to the Senate and ask their concurrence.

The engrossed bill (No. 58) to amend an act entitled "an act to subject real and personal estate to execution," approved Feb. 4th, 1831,

Was read the third time.

Mr. Crume moved to recommit it to a select committee with instructions to amend it by striking it out from the enacting clause, and inserting in lieu thereof the following:

"That hereafter, when any execution shall issue to any Sheriff, or other officer, authorized to execute the same against the goods and chattels, lands and tenements, of any execution defendant or defendants, if he, she, or they have families, it shall be lawful for such defendant or defendants to claim as exempt from execution, the following personal property, to wit: one bible, one cow and calf, two bedsteads and the necessary bedding therefor, not to exceed in value \$20 dollars each, one table, six chairs, one chopping axe, one weeding hoe, one spinning wheel, one reel, the necessary provisions to sustain the family of such execution defendant or defendants for two months, and also household and kitchen furniture not to exceed in value the sum of ten dollars: in addition to which, such execution defendant or defendants shall be entitled to select as exempt from execution, any other articles of personal goods, not exceeding in value the sum of twenty dollars, to be valued at their fair cash value at the time of such selection by the Sheriff or other officer levying such execution.

Sec. 2. That the fourth section of the act to which this is an amendment, and also an act entitled "an act to amend an act to subject real and personal estate to execution," approved February 1, 1834, be and the same is hereby repealed.

Sec. 3. This act to take effect and be in force from and after its publication."

Mr. Vandever moved to amend said instructions by inserting the following proviso:

"*Provided*, That all the articles exempt by the provisions of this act shall not exceed seventy-five dollars."

And before the question was had thereon,

The House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment, and resumed the consideration of the bill (No. 58) pending at the last adjournment.

The question was then put on the amendment proposed by Mr. Vandever to the instructions moved by Mr. Crume;

Which motion was decided in the negative.

The question then recurred on the motion of Mr. Crume to recommit, and was thereupon put;

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bigger, Brett, Bryan, Carter of C., Conwell, Crume, Dunning, Green, Henkle, Johnson of M., Johnston of F., Kelso, Leslie, Liston, Marshall, Mendenhall, Nave, Newman, Parks, Rockhill, Smith of F., Stafford, Stanford, Storm, Strain, Thompson, Vawter, Wallace, Woodruff, and Gregory Speaker—28.

And those who voted in the negative, are,

Messrs. Armstrong, Bennett, Bower, Brackenridge, Bradbury, Carr, Chapman, Cook, Culbertson, Curry, Curtis, Evans, Gaddes, Hardes-ty, Hargrove, Harris, Hoagland, Howell, Howard, Latshaw, Lockhart, Lowe, McCalley, McDougale, McIntire, Moore, Phelps, Puckett, Ray, Schooling, Shank, Shaw, Smith of R., Torbet, Vandever, Walker, Wilson of H., Wilson of P., and Wright—39.

So said motion to recommit was decided in the negative.

Said bill was amended by unanimous consent.

The question was then put, shall said bill pass?

The ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bradbury, Brett, Chapman, Conwell, Culbertson, Curry, Curtis, Evans, Hannaman, Harris, Henkle, Kelso, Kilgore, Latshaw, Lockhart, McDougale, McIntire, Moore, Puckett, Ray, Rockhill, Schooling, Shank, Shaw, Stanford, Torbet, Walker, Wilson of H., Wilson of P., and Wilson of V.—30.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bigger, Bower, Brackenridge, Bryan, Carr, Carter of C., Cook, Crume, Dunning, Gaddes, Green, Hargrove, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Leslie, Liston, Marshall, McCalley, Mendenhall, Nave, Newman, Parks, Phelps, Smith of F., Smith of R., Stafford, Storm, Strain, Thompson, Vandever, Vawter, Wallace, Woodruff, Wright, and Gregory, Speaker—40.

So said bill was rejected.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate has passed engrossed bills of the Senate entitled acts as follows:

No. 61—an act for the relief of Wm. McKim, and to change the name of the town of Newburgh to Spartanburgh;

No. 64—an act incorporating the Carlisle school society;

No. 67—an act to incorporate the Philomathean society;

No. 71—an act changing the time of holding courts in the second judicial circuit; also,

No. 86—a memorial and joint resolution of the House of Representatives, entitled,

A memorial and joint resolution of the General Assembly of the State of Indiana, soliciting aid to improve the great northern chain of communication from the Maumee bay in Ohio, to the Rapids of the Illinois river, with amendments;

In which bills of the Senate and the amendments proposed to the memorial and joint resolution of the House, the concurrence of the House of Representatives is requested.

The bill of the Senate [Nos. 61 and 67,] named in said message, were severally read the first time and passed to a second reading.

The bill of the Senate [No. 64,] named in said message was three times read, (the rules of the House having first been dispensed with,) and passed.

Ordered, That the clerk inform the Senate thereof.

The bill of the Senate [No. 71,] named in said message, was twice read (the rules of the House having first been dispensed with,) and,

On motion of Mr. Wallace,

Laid on the table.

The amendments made by the Senate to the memorial and joint resolution of the House, named in said message, were severally read and concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Bell,

Mr. Harris had leave of absence from the service of the House during this day.

Mr. Leslie from the joint committee of enrolled bills reported that they have compared the enrolled with engrossed bills of the House of Representatives, to wit:

No. 28—an act to extend the provisions of an act therein named, to Gibson and Decatur counties;

No. 112—an act to continue in force an act for the benefit of persons who are likely to suffer by the destruction of records of Spencer county, approved Dec. 27, 1833, and find them truly enrolled.

Whereupon the Speaker signed said bills.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

Mr. Wilson of V., after having obtained leave, moved the following resolution:

Resolved, That the canal commissioners of the Wabash and Erie canal be directed to report to this House at the present session, the difference in favor of crossing over the Wabash river, below the mouth of Pike creek, and also at the head of the Grand Rapids, between three and four miles above Logansport; and that the committee on canals and internal improvements be directed to inquire into the propriety of repealing all acts that convey the idea that Logansport was made a point for said work, provided the difference of crossing over the river is as great as believed;

Which was read; and,

On motion of Mr. Kelso,

Ordered, That the same do lie on the table.

A message from the Governor by Mr. Ketcham, his private secretary:

MR. SPEAKER—

I am directed by his Excellency the Governor, to inform the House of Representatives that he did, on the 8th inst. approve the acts, memorial, and joint resolution, entitled as follows, to wit:

An act (No. 7,) to incorporate the Vincennes medical society, for the promotion of correct medical knowledge.

An act [No. 20,] to locate a State road from Leavenworth town, in Crawford county, to Salem in Washington county;

An act [No. 47,] further to amend an act entitled "an act to provide for the sale of certain lands therein named," approved Feb. 2, 1833;

An act [No. 107,] for the relief of Nathan Harlin, and for other purposes;

An act (No. 151,) supplemental to an act to authorize the Hancock circuit court to hold a special session.

A memorial (No. 91,) and joint resolution of the General Assembly of the State of Indiana, praying a further donation of the public domain, to assist in the completion of the Wabash and Erie canal, and in the construction of such other works of internal improvements as will have a direct tendency to open a line of communication between the Wabash and Ohio rivers;—all of which originated in the House of Representatives—and that he did on the same day approve the following act, which originated in the Senate:

An act [No. 35,] to amend an act to regulate trials of the right of property, approved Feb. 1, 1834, all of which have been filed in the Secretary's office.

Mr. Carter of C., after having obtained leave, moved the following resolution:

Resolved, That the commissioner of the Michigan road report to this House,

1st. The number of acres of Michigan road lands sold at public

sales, and the amount produced by those sales, over and above the price of one dollar and twenty-five cents per acre.

2d. The number of acres since entered at the office, and the number of acres remaining unsold.

3d. Amount of Michigan road scrip issued, designating the amount issued on contracts on the road, and the amount issued for all other purposes.

4th. Amount of Michigan road scrip redeemed.

5th. Amount of money refunded to the State for moneys advanced, locating road, surveying lands, and all other contingencies.

6th. Amount of scrip unredeemed.

7th. Amount to be issued on existing contracts, and all other outstanding claims on the road fund.

8th. An estimate of the amount, (in his opinion,) the public interest would require, should be expended the ensuing year, and such other information as may be useful to the General Assembly, to enable them to discontinue the office of commissioner of the Michigan road and close the business thereof;

Which was read and adopted.

Agreeably to notice heretofore given, Mr. Bigger moved the following, as an amendment to the standing rules of the House:

"No member shall be permitted to record his vote on either side of any question, unless he was present in the House, at the time such question was put."

On motion of Mr. Hannaman,

The same was amended by adding thereto the following:

"Except by leave of the House."

Mr. Hargrove moved further to amend the same as follows:

"That no member shall be permitted to smoke tobacco within the Hall, while the House is in session."

Which motion did not prevail.

Said amendment to the rule, proposed by Mr. Bigger, as amended, was then adopted.

And then the House adjourned until to-morrow morning at 9 o'clock.

FRIDAY MORNING, JAN. 9, 1835.

The House met pursuant to adjournment.

On motion of Mr. Carter of C. the several orders of the day which precede the bill (No. 155) to incorporate the Meshawaka bridge company, were, for the present, postponed, and the House proceeded to consider said bill.

Said bill was then read the third time,

And on the question shall it pass?

The ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bigger, Bryan, Carter of C., Chapman, Conwell, Crume, Curry, Davis, Evans, Gaddes, Green, Hannaman, Hardesty, Henkle, Hoagland, Johnston of F., Kelso, Liston, Lockhart, Lowe, Marshall, McDougale, McIntire, Mendenhall, Nave, Newman, Parks, Phelps, Puckett, Ray, Rockhill, Schooling, Shank, Smith of F., Smith of R., Storm, Thompson, Torbet, Vawter, Walker, Wallace, Wilson of H., Woodruff, Wright, and Gregory, Speaker—46.

And those who voted in the negative are,

Messrs. Armstrong, Bell, Bennett, Bower, Brackenridge, Bradbury, Brett, Culbertson, Curtis, Dunning, Hargrove, Harris, Howard, Howell, Johnson of M., Kilgore, Latshaw, Leslie, McCalley, Moore, Shaw, Stafford, Stanford, Strain, Vandever, Wilson of P., and Wilson of V.—27.

So said bill passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Hannaman presented a petition of Wm. C. Blackmore and others, praying that the name of Nelson Thompson, alias Jefferson Nelson Evans, be changed to that of Jefferson Nelson Redman;

Which was read and referred to a select committee of Messrs. Hannaman, Evans, Bell, Puckett, and Rockhill.

Mr. Dunning presented a petition of Andrew Wylie and others, praying relief to Jesse Daver, with accompanying documents;

Which were severally read and referred to a select committee of Messrs. Dunning, Parks, Thompson, Stafford, and Moore.

Mr. Parks presented a remonstrance of Pleasant Pagitt and others against a vacation or any change in the upper State Road from Black creek, in Lawrence county, to where it intersects the State Road near Bloomington, in Monroe county;

Which was read and referred to the same select committee to which was heretofore referred a petition on the same subject.

Mr. Johnston of F. presented a petition of Samuel Kirk and others, citizens of Springfield township, Franklin county, praying a change in the law incorporating Congressional townships, and providing for public schools therein;

Which was read and referred to the Committee on Education.

Mr. Thompson presented a petition of William Guthrie and others, citizens of Lawrence and Jackson counties, praying the incorporation of a company, to be styled the "Leesville Steam Mill Company;"

Which was read and referred to a select committee of Messrs. Thompson, Parks, Dunning, Carr, and Strain.

Mr. Stanford presented a petition of J. T. Elliott and others, praying a State Road from Chesterfield, in Madison county, to the town of Wabash;

Which was read and referred to a select committee of Messrs. Stanford, Bell, Kilgore, Carter of C., and Davis.

Mr. Leslie presented a petition of Jacob Lopp and others, citizens of Harrison county, and owners of lots in the town of Northampton, praying a vacation of said town;

Which was read and referred to a select committee of Messrs. Leslie, Wilson of H., and McDougle.

Mr. Thompson presented a memorial of the trustees of the Spring creek Baptist Church, in Lawrence county, praying validity to a deed of conveyance made by Samuel Owens and wife to the trustees of said church;

Which was read and referred to a select committee of Messrs. Thompson, Parks, and Vandever.

Mr. Bell presented a petition of Allen Makepeace and others, praying a State Road from Chesterfield, in Madison county, to Marion, in Grant county;

Which was read and referred to the same select committee to which was heretofore referred a petition on the same subject.

Mr. Chapman presented a petition of Robert Latta and others, praying a State Road from Lima, in Lagrange county, to the town of Huntington;

Which was read and referred to the Committee on Roads.

Mr. Phelps presented two petitions of Jacob Lincoln and others, citizens of Harrison county, praying a part of said county may be attached to the county of Crawford;

Which were severally read and referred to the same select committee to which were heretofore referred sundry petitions and remonstrances on the same subject.

Mr. Vawter presented a letter from Lawrence Wood, relative to a vacation of a part of the town of Lebanon;

Which was read and referred to the same select committee to which was heretofore referred a petition relative to the vacation of the town of Northampton.

Mr. Stafford, after having obtained leave, reported a joint resolution (No. 165) on the subject of Land offices in Indiana;

Which was twice read (the rules of the House having first been dispensed with) when

Mr. Angle moved to lay the same on the table;

Which motion did not prevail.

Said joint resolution was then ordered to be engrossed and read the third time to-morrow.

Mr. Smith of F., after having obtained leave, presented a bill (No. 166) to authorized the trustees of the town of Connersville to lay off a certain street;

Which was twice read, (the rules of the House having first been dispensed with) and,

On motion of Mr. Crume,

Laid on the table.

Mr. Wilson of V., from the select committee, to which was referred a petition on that subject, (after obtaining leave) reported

A bill (No. 167) to locate a State Road, commencing in Sullivan county, thence through the counties of Vigo, Clay, Parke, and Montgomery;

Which was twice read, (the rules being suspended for that purpose) and ordered to be engrossed and read a third time to-morrow.

Mr Dunning, from the select committee, to which was referred a petition of Andrew Wylie on that subject, (having obtained leave) reported

A bill (No. 169) for the relief of Jesse Daver, of Monroe county;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Bennett, after having obtained leave, presented

A bill (No. 169) to declare a certain county road, therein named, a State Road;

Which was twice read, (the rules of the House having first been dispensed with.)

On motion of Mr. Vawter said bill was amended by inserting a provision declaring the Coffee creek road, in Jennings county, a State Road.

Said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Walker, from the select committee, to which was referred a petition of Michael E. Israel on that subject, (after having obtained leave) reported

A bill (No. 170) to authorize the petitioner to build a toll bridge across Hogan creek, in Dearborn county;

Which was twice read (the rules of the House having first been dispensed with.)

On motion of Mr. Torbet, said bill was amended by adding to the 6th section the following:

"That the gate or gates of said bridge be kept open between the hours of 9 o'clock in the evening and six in the morning."

Said bill was then read a third time and passed.

Ordered, That it be entitled an act, and that Mr. Walker carry it to the Senate and ask their concurrence.

Mr. Wallace, on leave, made the following report.

The select committee, to which was referred a resolution of this House, instructing them to inquire what amendments are necessary to the act providing for the incorporation of Agricultural Societies, have had that subject under consideration, and report, that in their opinion, the present law is wholly deficient in its provisions to accomplish the great object of its enactment. The committee entertaining the opinion, that by the organization of well regulated agricultural societies, the state will derive incalculable advantages, by stimulating to honorable competition our citizens in the advancement of all matters connect-

ed with the growth and improvement of stock—the culture of our rich and fertile soil, and the various improvements making in this useful branch of political economy, would respectfully recommend this subject to the consideration of our citizens generally.

The science of agriculture being one on which the future prospects of Indiana for wealth and distinction must be based, has been too long neglected, and as yet too little appreciated. To invite the attention of our citizens, and to enlist their feelings and energies in a cause calculated more than any other, to promote their interests, the committee report the following bill, entitled

A bill [No. 171] for the encouragement of agriculture;

Which was read the first time and passed to a second reading.

Mr. Dunning presented a petition of James Togart sen. and others, citizens of the counties of Monroe, Bartholomew, Morgan, and Jackson, praying the formation of a new county;

Which was read and referred to a select committee of Messrs. Dunning, Stafford, Cook, Carr, and Woodruff.

The Speaker laid before the House a communication from the Commissioners of the Wabash and Erie Canal, praying a provision for the payment of the expense of the survey of the White Water canal;

Which was read and referred to the committee on Canals and Internal Improvements.

Mr. Carr presented a petition of Benjamin Chandler and others, praying that the Muddy Fork of Salt creek from Brazilla Willey's mill to the mouth of Lick Fork of said creek, may be declared a public highway;

Which was read and referred to a select committee of Messrs. Carr, Dunning, Cook, Parks, and Woodruff.

On motion of Mr. Chapman, the several orders of the day which precede the bill [No. 87] to incorporate the Buffalo and Mississippi Rail Road Company, were for the present postponed, and the House proceeded to consider the same.

Said bill was then read the second time and ordered to be engrossed and read a third time to-morrow.

Mr. Leslie, after having obtained leave, presented

A bill [No. 172] to amend an act entitled an act to regulate the mode of doing county business in the several counties in this state, approved Jan. 19, 1831;

Which was twice read, (the rules of the House having first been dispensed with.)

Mr. Hargrove moved to amend the same by striking out "\$100," being the maximum allowance to sheriffs and clerks for extra services, and inserting in lieu thereof "\$80;"

When, on motion of Mr. Angle, said bill was committed to a committee of the whole House for to-morrow.

Mr. Brett made the following report:

The committee on the Judiciary, to which was referred a resolution requesting them to inquire whether any, and if any, what amendment of the law is necessary to compel the clerks of boards doing county bu-

siness to execute all the official orders of said boards—and also to inquire into the expediency of making it discretionary with each board to allow the clerk more than seventy dollars, when, for extraordinary and laborious services, such extra allowance may be deemed reasonable and just—have had that subject under consideration, and have directed me to report that, so far as said resolution relates to extra compensation to clerks in the discretion of boards doing county business, it is inexpedient to legislate at this time—and, relative to so much thereof as refers to the duty of clerks, the committee have directed me to report a bill, entitled

A bill [No. 173] to amend an act entitled an act to regulate the mode of doing county business in the several counties in this state, approved January 19, 1831.

Said bill was twice read (the rules of the House having first been dispensed with) and,

On motion of Mr. Conwell, said bill was re-committed to the Judiciary committee.

The question was then put,

Will the House concur in the residue of said report?

And decided in the negative.

Mr. Dunning made the following report:

The committee on Roads, to whom were referred three several petitions, praying the location of a state road from Bloomington to Morgantown, one of said petitions asking a location of said road with certain intermediate points, and the other two praying a location of said road without intermediate points, have had the same under consideration, and after mature reflection, the committee are unanimously of the opinion that state roads ought to be laid out upon the most suitable routes without regard to intermediate points, they have therefore directed me to report a bill entitled

A bill [No. 174] to locate and establish certain state roads therein named, and for other purposes;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time on tomorrow.

Mr. Kelso made the following report:

The committee on Roads, to whom was referred the petition of Robert Bovard and others, praying a review of a part of the state road leading from the Rising Sun, in Dearborn county, to intersect the state road leading from Vevay, in Switzerland county, to Versailles, in Ripley county, at or near the Cross Plains, in Ripley county; and also a remonstrance of Enos Littlefield and others, remonstrating against the above mentioned review—have according to order had the same under consideration, and have directed me to report that in their opinion it is inexpedient to legislate on that subject further at this time, and ask to be discharged from the further consideration thereof;

Which was read and concurred in.

Mr. Carter of C., from the committee on Roads to which was referred a petition on that subject, reported

A bill [No. 175] to locate a state road from the county seat of Miami county to the town of Rochester on the Michigan Road;

Which was read the first time and passed to a second reading.

Mr. Evans, from the committee on Canals and Internal Improvements to which was referred a communication from the Canal Commissioners on that subject, reported

A joint resolution [No. 176] for the relief of the Canal Commissioners;

Which was twice read, (the rules of the House having first been dispensed with.)

Mr. Smith of R. moved to amend said joint resolution as follows:

"That the expenses and charges incident to the survey and location of the proposed White-water canal, shall be paid out of the Three per cent. Fund, set apart, due, or belonging to the several counties through which the proposed canal passes, to be paid by such counties in due proportion to the length of said canal line in each county.

Mr. Shaw moved to postpone the further consideration of said joint resolution and proposed amendment, indefinitely;

And before the question was had thereon,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Dunning made the following report, on leave being granted:

The joint committee on public buildings, to whom was referred the report of the commissioners, heretofore appointed to superintend the erection of the State-house, have had the same under consideration, and upon that part of it in relative to the completion of said building, have directed me to report, that they deem it expedient to complete the same ready for the reception of the next Legislature, if that object can be effected without embarrassing the State treasury; and in order to ascertain that fact, respectfully recommend the adoption of the following resolution, to wit:

Resolved, That the committee on the affairs of the town of Indianapolis be instructed to inquire into and report the probable amount of money which can be raised from the sale of the remaining unsold lands, belonging to the Indianapolis donation, to this House, for the purpose of ascertaining whether the State-house can be completed without drawing upon the State treasury.

Which report was read and said resolution adopted.

The House then resolved itself into a committee of the whole on the bill [No. 149,] authorizing a loan for the improvement of roads and pledging the three per cent. fund for the payment thereof, and after some time spent therein, the Speaker resumed the chair, and Mr. Bradbury reported progress, and asked leave to sit again;

Which leave was granted by the House.

And then the House adjourned until to-morrow morning at nine o'clock.

SATURDAY MORNING, JAN. 10, 1835.

The House met pursuant to adjournment.

The following message was received on yesterday from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER,

The Senate have passed an engrossed bill which originated in the Senate [No. 75,] entitled "an act supplemental to an act, entitled an act legalizing the election of probate judges," in which I am directed to ask the concurrence of the House of Representatives.

The bill named in said message was three times read (the rules of the House having first been dispensed with,) and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Howell from the joint committee of enrolled bills, reported that they have compared the engrossed with the enrolled bill which originated in the Senate, entitled as follows:

No. 53—an act to repeal part of an act entitled "an act to provide for the removal of obstructions to the navigation of Eel river," approved Jan. 4, 1830, and find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry it to the Senate, for the signature of their President.

Mr. Carter of C. presented a petition of Elias T. Mowbray and others, contractors on the Wabash and Erie Canal, and citizens resident adjacent to said canal line, praying the passage of a law to prohibit the sale of ardent spirits within four miles of said canal;

Which was read and referred to a select committee of Messrs. Carter of C., Rockhill, Liston, Chapman, and Kilgore.

Mr. Shaw moved that the several orders of the day which precede bills on their second reading, be for the present postponed, and that the House do now consider said bills;

Which motion was decided in the negative.

Mr. Hoagland made the following report:

The committee of elections, to whom was referred a resolution of this House instructing said committee to inquire into the expediency of so amending the law regulating general, county, and township elections, as to make it the duty of any candidate or elector contesting the election of any person declared duly elected according to law, to pay the costs occasioned by such contest on failing to succeed—have had the same under consideration, and have directed me to report a bill (No. 177,) to amend an act entitled an act to provide for the election of county and township officers, approved Jan. 30, 1831;

Which was read the first time and passed to a second reading.

Mr. Hargrove made the following report:

The committee on claims, to which was referred the petition of Robert Wilson, have according to order had that subject under consid-

eration, and have directed me to report that it is inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration of the same;

Which was read, when

Mr. Nave moved to re-commit the same to a select committee with instructions to report a bill in accordance with the prayer of the petitioner;

Which motion was decided in the negative.

Said report was then concurred in by the House.

Mr. Chapman from the committee on roads, to which was referred a petition of Thomas Moore and others on that subject, reported

A bill (No. 178,) to locate and establish a State road from Turkey Plain, on Tippecanoe river to Wolf lake, in Noble county;

Which was read the first time and passed to a second reading.

Mr. Vawter from the committee on roads, to which was committed bills No. 17 and 26, and sundry resolutions on the subject of roads, reported the bill No. 17, entitled a bill for opening and repairing public roads and highways in the several counties in this State, with an amendment, and the last named bill without amendment.

On motion of Mr. Bigger,

Said first named bill and amendment were committed to a committee of the whole House for Monday next.

The bill No. 26, of the same title, was,

On motion of Mr. Vawter,

Indefinitely postponed.

Mr. Thompson made the following report:

The Committee on Roads to whom were referred the petition of Joseph Henderson and others, praying the vacation of a certain state road therein named, and the remonstrance of Moses Fell and others, against the same, have had the same under their consideration, and have directed me to report, that further legislation upon that subject, at this time, is inexpedient, and ask to be discharged from the further consideration thereof;

Which report was read and concurred in.

Mr. Phelps, from the Committee on Roads, to which was referred the petition of John Edwards and others, reported

A bill (No. 179) to provide for opening and repairing public roads and highways in the counties of Orange and Crawford;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

The House then resumed the consideration of the Joint resolution (No. 176) for the relief of the Canal Commissioners, pending when the House adjourned at noon on yesterday, when

On motion of Mr. Wallace, said joint resolution, proposed amendment, and motion to postpone indefinitely, were laid on the table.

Mr. Nave made the following report:

The select committee to which was referred the petition of Samuel

Harmon and others, citizens of the counties of Park, Putnam, Hendricks, and Marion, praying the incorporation of a company to construct a rail road from Montezuma, by the way of Rockville, Greencastle, and Danville, to Indianapolis, have had the same under consideration, and have directed me to report a bill entitled

A bill (No. 180) to incorporate the Indianapolis and Montezuma Rail Road Company;

Which was twice read (the rules of the House having first been dispensed with.)

On motion of Mr. Lowe, said bill was amended as follows:

That so much of the stock as shall be subscribed in the county of Parke, shall be applied in the construction of so much of said rail road as shall lie between Rockville and Montezuma in said county, until that part of said work is completed; after which, if there should be any surplus of said stock, or may be afterwards subscribed, it shall then be applied to the continuation of said work.

On motion of Mr. Bigger, said bill was further amended by striking out from the 38th section the following: "and shall be favourably construed for all beneficial purposes therein mentioned."

Said bill was then ordered to be engrossed and read a third time on Monday next.

Mr. Carter of C., made the following report:

The select committee to whom was referred the petition of Jacob Cluster and others, praying a charter for a rail road or McAdamized turnpike road, From Kirk's by way of Frankfort, Delphi, Monticello, to Michigan City, have had that subject under consideration, and have directed me to report a bill entitled

A bill [No. 181] to incorporate the Frankfort, Delphi, and Michigan Rail Road, and Turnpike Company;

Which was read the first time and passed to a second reading.

Mr. Howell made the following report:

The select committee to whom was referred a petition of E. Morgan and others, praying the extension of a state road to Haydon's ferry; and also a letter from John Herren, on the same subject, have had that subject under consideration, and have directed me to report

A bill (No. 182) to extend a state road to Haydon's ferry;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time on Monday next.

Mr. Lockhart, from the select committee to which was referred a petition of Jeremiah Rowland and others, on that subject, reported

A bill (No. 183) to incorporate the Salem and Ohio Turnpike Company;

Which was twice read (the rules of the House having first been dispensed with.)

Mr. Shaw moved to amend said bill as follows:

"Amend by making said turnpike road intersect the Vincennes and Albany state road at the village of Greenville on the last mentioned road—

Amend the 12th section by inserting the words not more than thirteen miles in the place of the words "not more than ten miles;"

Which motion did not prevail.

On motion of Mr. Armstrong, said bill was amended by transposing the 34th and 35th sections.

On motion of Mr. Bigger, said bill was further amended by striking out after the clause that declares it to be a public act, the words, "out of this State."

Said bill was then read a third time and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

On motion of Mr. Vandever, Mr. Lockhart had leave of absence from the service of the House until Monday next.

Mr. Dunning made the following report:

The select committee to whom were referred two several petitions, praying an appropriation of the three per cent. fund to improve certain roads therein named, have had that subject under consideration, and have directed me to report a bill entitled

A bill (No. 184) to appropriate a part of the three per cent. fund in Monroe county;

Which was read the first time and passed to a second reading.

Mr. Davis, from the select committee to which was referred a petition on that subject, reported

A bill (No. 185) to re-locate a part of the state road leading from Lafayette to Michigan City;

Which was read the first time and passed to a second reading.

Mr. Cook made the following report:

The select committee, to whom was referred a resolution of this House instructing said committee to inquire into the expediency of so amending the law prescribing the duties of constables, as to authorize a constable, after having levied on property by virtue of an execution, to deputise some fit person to sell the same in the event of the inability of such constable to be present at such sale by reason of sickness, he being liable for the act of his deputy, have had the same under consideration, and have directed me to report

A bill [No. 186] to amend an act entitled an act authorizing the appointment of constables and defining their duties, approved January 17, 1831;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time on Monday next.

Mr. Puckett, from the select committee to which was referred a petition on that subject, reported

A bill [No. 187] to amend an act to encourage the killing of wolves, approved February 10, 1831;

Which was read the first time and passed to a second reading.

Mr. Kelso, from the select committee to which was re-committed the bill [No. 151] authorizing certain counties therein named to elect

certain officers therein named, and for other purposes, reported the same with one amendment;

Which was read and concurred in.

Ordered, That said bill be engrossed and read a third time on Monday next.

Mr. Leslie, from the joint committee of Enrolled Bills, reported that they did on this day present to his excellency the Governor, for his approval and signature, acts entitled as follows, to-wit:

No. 112—An act to continue in force an act for the benefit of persons who are likely to suffer by the destruction of records of Spencer county, approved December 27, 1833;

No. 28—An act to extend the provisions of an act therein named to Gibson and Decatur counties.

Mr. Carr made the following report:

The select committee to which was referred the petition of John Albertson and others, citizens of Washington, Jackson, and Scott counties, praying the location of a state road from Brownstown by Williams' ferry on Muscackituck river to the Cross Roads at or near Dr. Carter's old place in the county of Scott, have had the same under consideration, and have directed me to report a bill entitled

A bill [No. 188] to locate a certain state road therein named;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time on Monday next.

Mr. Hoagland made the following report, which was read and concurred in:

The select committee, to whom was referred the petition of Walter Spenser, praying to be divorced from his wife Anna, have had the same under consideration, and have directed me to report that legislation on that subject is at this time inexpedient, and ask to be discharged from a further consideration thereof.

Mr. Hardesty made the following report:

The select committee, to whom was referred the petition of Isaac Ash and others, praying the incorporation of a company to build a steam mill in the town of Greencastle, have directed me to report a bill entitled

A bill [No. 189] to incorporate the Greencastle Steam Mill and Manufacturing Company;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That said bill be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Willet made the following report:

The committee on that part of the Governor's message which relates to the next apportionment, report

A bill [No. 190] to provide for the next apportionment, and for furnishing useful statistical information;

Which was twice read (the rules of the House having first been dispensed with) and,

On motion of Mr. Wallace, committed to a committee of the whole House, and made the special order of the day for Wednesday next.

Mr. Lowe made the following report:

The select committee, to whom was referred a resolution directing them to inquire whether any, and if any, what amendments were necessary to an act passed at the session of 1833-4, limiting the jurisdiction of justices of the peace to the township where the defendant resides, in certain counties therein named, have had that subject under consideration, and directed me to report a bill containing, with other amendments, the inclusion of Parke county in the provisions of said law, and the amendments made thereto, entitled

A bill [No. 191] to amend the several acts regulating the jurisdiction and duties of justices of the peace in the counties therein named;

Which was twice read (the rules of the House having first been dispensed with.)

On motion of Mr. Schooling, said bill was amended by extending the provisions thereof to the county of Vermillion.

On motion of Mr. Bell, the county of Madison was included in its provisions.

On motion of Mr. Gaddes, the county of Putnam was included.

On motion of Mr. Vandever, the county of Orange was included in said bill.

On motion of Mr. Strain, Washington county was included therein.

Mr. Hoagland moved to re-commit said bill to a select committee, with instructions to make the provisions thereof general;

Which motion was lost.

Mr. Kilgore moved that said bill be committed to a committee of the whole House for Monday next;

Which motion did not prevail.

It was then ordered that said bill be engrossed and read a third time on Monday next.

A message from the Governor, by Mr. Ketcham his private secretary:

Mr. SPEAKER—

I am directed by his excellency the Governor to inform the House of Representatives, that he did, on the 10th inst. approve the acts entitled as follows:

No. 28—An act to extend the provisions of an act therein named to Gibson and Decatur counties;

No. 112—An act to continue in force an act for the benefit of persons who are likely to suffer by the destruction of the records of Spencer county, approved Dec. 27, 1833;

Both of which originated in the House of Representatives.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

Mr. Henkle moved that the several orders of the day which precede the memorial [No. 153] asking a grant of land to aid in the construction of a rail road from Lafayette to Chicago, be for the present postponed, and that the House do now consider the same;

Which motion did not prevail.

The House then proceeded to consider bills on their third reading.

Engrossed bills, memorial, and joint resolutions of the following titles to-wit:

A Bill [No. 129] to establish a state road from Bowling Green, in Clay county, to Osborn's ferry, in Green county;

A bill [No. 135] to locate the state road from Hill's mills, in Rush county, to Samuel A. Hall's, in Hancock county, and Rezin Davis's, in Shelby county;

A bill [No. 137] to change the name of Travis Adcock and others;

A bill [No. 142] to amend an act entitled an act to incorporate the South Bend Bridge Company, approved Feb. 2, 1833;

A bill [No. 143] to incorporate the Dearborn county Seminary;

A bill [No. 147] to locate a state road from Brookville, via Fairfield, Dunlapsville, and Brownsville, to Richmond in Wayne county;

A bill [No. 148] to establish a state road from Connersville to St. Omer and Columbus;

A bill [No. 45] to amend an act entitled an act regulating the practice in chancery, approved Feb. 10, 1831;

A joint resolution [No. 52] on the subject of exchanging books with the several States;

A bill [No. 156] granting relief to Asa Smith and others;

A bill [No. 157] to amend an act entitled an act to encourage the killing of Wolves, approved Feb. 10, 1831;

A bill (No. 158,) to amend an act to incorporate the town of Lafayette;

A joint resolution and memorial (No. 163,) in relation to certain Saline reservations therein named;

A bill [No. 167,] to locate a State road, commencing in Sullivan county, thence through the counties of Vigo, Clay, Parke, and Montgomery;

A bill [No. 174,] to locate and establish certain State roads therein named, and for other purposes; and,

A bill [No. 87,] to incorporate the Buffalo and Mississippi rail-road company;

Were severally read the third time and passed.

Ordered, That said bills be entitled acts, and that the clerk carry them, together with said joint resolutions and memorial to the Senate and ask their concurrence.

The engrossed bill of the Senate [No. 7,] to locate a State road from Decatur county to the National road;

Was read the third time and passed.

Ordered, That the clerk inform the Senate thereof.

The engrossed bill [No. 51,] to amend an act entitled an act for assessing and collecting the revenue, approved Feb. 10, 1831;

Was read the third time.

On motion of Messrs. Johnson of M., Cook, and Wilson of P., the counties of Marion, Bartholomew, and Parke, were respectively stricken out from the provisions of said act, by unanimous consent.

Mr. Wallace moved to lay said bill on the table;

Which motion was lost.

The question was then put, shall said bill pass?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bennett, Bower, Carr, Chapman, Conwell, Cook, Culbertson, Curtis, Davis, Dunning, Gaddes, Green, Hardesty, Hargrove, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Kelso, Kilgore, Latshaw, Liston, Lowe, McCalley, McDougale, Moore, Nave, Parks, Phelps, Puckett, Schooling, Shank, Shaw, Smith of R., Stanford, Storm, Strain, Thompson, Torbet, Vandever, Walker, Wilson of H., Wilson of V., Woodruff, and Gregory, speaker—47.

And those who voted in the negative are,

Messrs. Armstrong, Bell, Bigger, Bradbury, Bryan, Carter of C., Curry, Hannaman, Henkle, Leslie, Marshall, Mendenhall, Newman, Ray, Rockhill, Vawter, Wallace, Wilson of P., and Wright—19.

So said bill passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The bill [No. 126,] laying out all the unorganized territory to which the Indian title has been extinguished in this State, into a suitable number of counties, and for other purposes;

Was read the third time.

And on the question, shall said bill pass?

The ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bennett, Bigger, Bradbury, Bryan, Carter of C., Chapman, Conwell, Culbertson, Curry, Curtis, Davis, Dunning, Green, Hannaman, Hardesty, Hoagland, Johnson of M., Johnston of F., Kilgore, Liston, Marshall, Mendenhall, Newman, Parks, Puckett, Ray, Rockhill, Schooling, Shank, Shaw, Smith of R., Stanford, Storm, Thompson, Torbet, Vawter, Walker, Wallace, Wright, and Gregory, speaker—42.

And those who voted in the negative are,

Messrs. Armstrong, Bower, Carr, Cook, Crume, Gaddes, Hargrove, Henkle, Howard, Howell, Kelso, Latshaw, Leslie, Lowe, McCalley, McDougale, Moore, Nave, Phelps, Strain, Vandever, Willet, Wilson of H., Wilson of P., Wilson of V., and Woodruff.—26.

So said bill passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The joint resolution [No. 165,] relative to land offices in Indiana, was read a third time and laid on the table;

The bill [No. 169,] to declare certain roads therein named, State roads;

Was read the third time, and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The House resumed the consideration of the report, made by the committee of the whole House on the 6th inst., undetermined at the adjournment of that day.

The bill [No. 139,] to organize the county of Kosciusko; and

The bill [No. 140,] attaching the north-east quarter of section four, township four, north of range eight east, to the county of Jennings, were severally ordered to be engrossed and read a third time on Monday next.

The report of the select committee unfavorably to the petition for the removal of the county seat of Lagrange county, which had been referred to the same committee of the whole, was concurred in by the House.

On motion of Mr. Vawter,

The bill (No. 83,) to abolish imprisonment for debt, together with the amendment reported thereto, by the select committee, was taken up from the table and considered; and after discussion and before the question thereon,

The House adjourned until Monday morning at 9 o'clock.

MONDAY MORNING, JAN. 12, 1835.

The House met pursuant to adjournment.

Mr. Howell, from the Joint Committee on Enrolled Bills, reported that they have compared the enrolled with the engrossed memorial and joint resolution which originated in the House of Representatives, and an act incorporating the Carlisle school society, which originated in the Senate, entitled as follows, to wit:

(No. 86) A memorial and joint resolution of the General Assembly of the State of Indiana, soliciting aid to improve the great northern chain of communication from the Maumee Bay, in Ohio, to the Rapids of the Illinois River;

(No. 64) An act incorporating the Carlisle school society;
And find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

A message from the Senate, by Mr. Morris their Secretary:

MR. SPEAKER—

The Senate adopted, on Saturday last, the following resolution:

Resolved, That the Senate will, the House of Representatives concurring therein, proceed to the election of a Canal Commissioner of the Wabash and Erie Canal on Monday next, at 10 o'clock A. M., to fill the vacancy of Samuel Lewis, whose term of service will expire during the present session of the General Assembly. Mr. Morgan is appointed teller on the part of Senate.

On motion of Mr. Hargrove the House reciprocated said resolution:

Whereupon Mr. Hargrove was appointed teller on the part of the House.

Ordered, That Mr. Evans inform the Senate thereof.

Mr. Kelso presented two several petitions of Morton Buck and others, praying a State Road from Patriot, in Switzerland county, to intersect the State Road leading from Vevay to Versailles;

Which was read and referred to the same select committee to which was heretofore referred sundry petitions on the same subject.

Mr. Dunning presented an account of John S. Barns against the State, for sundry improvements made at Jackson's Lick, in Monroe county;

Which was read and referred to the Committee on Claims.

Mr. Johnson of M. presented four several petitions of James P. Woods and others, citizens of Marion county, praying a change in the mode of doing county business in said county from county commissioners to justices of the peace;

Which were read and referred to a select committee of Messrs. Johnson of M., Shank, Stanford, Hannaman, and Nave.

Mr. Latsbaw presented a petition of A. Wilson and others, praying a re-location of part of the State Road leading from Greencastle *via* intermediate points to Carlisle;

Which was read and referred to a select committee of Messrs. Latsbaw, Hardesty, Gaddes, Harris, and Storm.

Mr. Angle made the following report;

Which was read and concurred in by the House.

The Committee of Elections, to whom was referred by a resolution of this House the certificates of the several members of this House, have had the same under consideration, and have directed me to report that the following members have been duly elected and entitled to their seats, to wit:

From the County of Clark—Daniel Bowers, Eli McCalley, and Wm. G. Armstrong.

Franklin—John M. Johnston and Jas. Conwell.

Union—Wm. H. Bennett and Jas. R. Mendenhall.

Rush—Marinus Willett and Samuel Bigger.

From the County of Fountain—Robert McIntire and Thos. J. Evans.
 Tippecanoe—James Davis and Benj. Henkle.
 Orange—S. B. A. Carter and Joel Vandever.
 Lawrence—Pleasant Parks and Richard W. Thompson.
 Scott—Isaac Hoagland.
 Dearborn—James Walker, Nelson N. Torbet, and Thomas Howard.
 Hamilton and Boon—Robert L. Hannaman.
 Shelby—Jacob Shank.
 Morgan—Grant Stafford.
 Davis and Martin—Josiah Culbertson and Patrick M. Brett.
 Knox—Henry M. Shaw.
 Elkhart and Lagrange—John B. Chapman.
 Bartholomew—Jacob Cook.
 Cass, Carroll, Miami, and White—Chauncey Carter.
 Laporte and St. Joseph—Jonathan A. Liston.
 Decatur—Samuel Bryan.
 Jackson—John F. Carr.
 Posey—George S. Green.
 Warrick and Vanderburgh—J. A. Brackenridge.
 Randolph—Zachariah Puckett.
 Wayne—Joseph Curtis, Martin M. Ray, Abner M. Bradbury, and John S. Newman.
 Harrison—Frederick Leslie and George P. R. Wilson.
 Pike and Dubois—Wm. M. Wright.
 Switzerland—Daniel Kelso.
 Fayette—Marks Crume and Caleb B. Smith.
 Putnam—James Gaddes and Rees Hardesty.
 Montgomery—Thos. M. Curry and Jacob Angle.
 Vermillion—Joseph Schooling.
 Green—Joseph P. Storm.
 Gibson—John Hargrove.
 Sullivan—Joseph Latshaw.
 Perry and Spencer—Mason J. Howell.
 Vigo—Ralph Wilson.
 Madison and Hancock—Thomas Bell.
 Marion—Jeremiah Johnson.
 Owen—George W. Moore.
 Clay—Daniel Harris.
 Jennings—John Vawter.
 Floyd—Levi McDougale.
 Warren—James Gregory.
 Washington—Levi P. Lockhart and Robt. Strain.
 Jefferson—Jas. H. Wallace and J. G. Marshall.
 Parke—Enos Lowe and Paton Wilson.

From the County of Crawford—Joseph N. Phelps.
 Delaware and Grant—David Kilgore.
 Monroe—Paris C. Dunning.
 Ripley—Thomas Smith.
 Henry—Thomas R. Stanford.
 Hendricks—Christian C. Nave.
 Johnson—Joab Woodruff.
 Allen and Huntington—Wm. Rockhill.

Mr. Kelso, from a select committee, to which was referred sundry petitions on that subject, after having obtained leave, reported

A bill (No. 192) to establish a State Road in the county of Switzerland;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that Mr. Kelso carry it to the Senate and ask their concurrence.

Mr. Wallace, from the Committee of Ways and Means, to which was referred a resolution on that subject, reported

A joint resolution (No. 193) relative to printing and distributing the laws and journals of the present session;

Which was twice read, (the rules of the House having first been dispensed with.)

Mr. Bryan moved to amend the same by providing that there be one copy of said Journals for each member, and one for each county.

Mr. Crume moved to amend said proposed amendment by providing that 500 copies be printed, when,

On motion of Mr. Smith of R.,

Ordered, That said joint resolution and motions to amend do lie on the table.

The Senate then came down from their Chamber, and took their seats on the right of the Speaker's chair—the President of the Senate on the right of the Speaker—when both Houses of the General Assembly proceeded by joint ballot to the election of a Canal Commissioner, to fill the vacancy occasioned by the expiration of the term of office of Samuel Lewis.

On counting the ballots, it appeared that

Samuel Lewis received	61	votes	for	that	office,
Levi McDougale	30	“	“	“	“

Scattering seven votes.

Samuel Lewis having received a majority of all the votes given, was, by the President of the Senate in presence of both Houses of the General Assembly, declared duly elected Canal Commissioner, to serve as such for the term of three years from and after this day.

The Senate then retired to their Chamber.

Mr. Smith of R. moved that the several orders of the day which precede the bill [No. 150] to provide for an equitable mode of levying the taxes of this state, be for the present postponed, and that the House do now consider said bill;

Which motion did not prevail.

Mr. Evans made the following report:

The committee on Canals and Internal Improvements, to whom has been referred sundry resolutions and petitions—the annual report of the Commissioners on the Wabash and Erie Canal—the report of the Engineers on the subject of surveys and estimates authorized at the last session of the Legislature—on Wabash and Erie and White Water Canals; together with so much of the message of his excellency the Governor as relates to internal improvement, now report:

That from a manifestation of a disposition on the part of the Representatives of the people in the present General Assembly, to enter into something like a general system of internal improvement, the duty devolving on your committee is far more arduous than at any previous session of the Legislature. Heretofore the energies of the state have been mainly directed to one great work; which work, your committee are glad to have it in their power to remark, is in a state of advancement, which if properly propelled, will in a very short time insure its completion to a profitable extent.

From the reports of the commissioners superintending the work, it will be seen that a proper enactment on the part of this General Assembly, will enable the State during the ensuing year, to derive much benefit from the sale or rent of the water privileges already created for hydraulic purposes. It will also be seen by reference to said report, that the time is not far distant (perhaps during the ensuing season) when the waters intended to flow in this great artificial channel will bear upon their bosom the products of that soil so lately acquired from the aborigines of the land. Every thing connected with this work is progressing beyond the most sanguine expectations of its friends at the commencement. Many of the disadvantages under which it was then, with great propriety, calculated those engaged in the construction of this important work would be compelled to labor, are being removed. The country on the borders of almost the whole line, then a wilderness, is fast populating with industrious, enterprising, and (in many instances) wealthy citizens—the forests are yielding to the axe of the emigrant, and the spontaneous herbage of nature giving place to the cultivation of those articles on which we rely for the sustenance of life.

About sixteen miles of said canal have been completed, including one of the most important dams on the route, and in less than four years, it is hoped, Indiana, although in her minority, will have completed one of the most important and productive works of internal improvement in the Union. The surveys and estimates, as ordered on the north and south sides of the Wabash river from Logansport down, have been made, and although the construction of a canal on the south side will be most expensive, your committee are of opinion (all things considered) this side should be adopted as the route of so much of said canal. The following are some among the many reasons which have brought your committee to that conclusion: 1st. It is contemplated to extend said canal, at some future day, far below its present location, (perhaps to the Ohio river) and by adopting the south side as the route, it will extend the

whole line through the State of Indiana. 2d. It is believed that the State will, at no very distant period, commence and complete internal improvements from many parts of the interior to said canal, and it is important that it be so situated as to be approached without crossing the river. Three points have been examined by the Commissioners, where the river may be easily crossed—at Logansport, at Cicott's Rapids, and at Ballard's Bluff—at the last of which the river may be crossed in the pool of a dam, even with the addition of the aqueduct across Eel river, for a much less sum than either of the others. This consideration, with the additional one, that fewer persons who have purchased land on the north side of the river, with the hope of the extension of the canal on that side, will be disappointed, have induced your committee to adopt this as the place and manner of crossing.

It is hoped that no sordid policy, on the part of the Legislature, will retard the progress of this great and important work, but on the contrary, as we regard our interest and reputation, it will be hastened forward, until the waters of the North and the South shall mingle together, if not in a valley, immortal in song, in one on which Nature has bestowed her richest gifts, and which requires nothing but the energies of man to make it a spot which would suffer in comparison with none.

From the surveys and estimates on the White-water canal, no doubt remains of the practicability and importance of that work. The construction will be somewhat more expensive than the Wabash and Erie canal, in proportion to its length, but compared with many other works of the kind, it will be comparatively cheap. Its entire route is through a rich and thickly populated country, and when completed, no doubt remains of its great utility in affording a channel of transportation for the productions of a large extent of country, and also a large revenue to the State. Your committee earnestly recommend the immediate commencement and speedy completion of this work; and for that purpose, provision is made in the bill herewith submitted. As a part of the line of this canal must necessarily run through the State of Ohio, negotiations with that State will be necessary to be made at as early a period as possible.

By several resolutions before your committee, they are required to inquire into the expediency of authorizing the survey of a canal route from Muncietown, in Delaware county, thence down the margin of White river to the Wabash or Ohio. Your committee has provided for that object in the bill, not doubting but its importance (if practicable) is apparent to all.

Many charters have been granted to individuals for the construction of rail-ways in this State, and on many of the routes subscriptions of stock have been liberally made. On one rail-way referred to your committee, (the Lawrenceburgh and Indianapolis Rail Road,) stock to a large amount has been taken, and the work actually commenced. One mile and upwards of a single track, has been completed, a car has been procured, and by the aid of horse-power, been propelled on the route. The experiment tends to confirm a fact long admitted, that for

travelling purposes, rail-ways are the best means of communication, and your committee believe, when water cannot be procured to construct a canal, they may be made to answer a valuable purpose as a means of transportation. Your committee recommends to the favourable notice of the Legislature, this as well as all other works having for their object the improvement of the condition of the State, and the promotion of the convenience of her citizens.

A few suggestions on the comparative advantages and disadvantages of rail-ways and canals, will perhaps not be deemed improper on the part of your committee.

It may be taken for granted, as a general rule in the west, that whether the improvement contemplated, be a rail-way or canal, the object of it is to convey the surplus produce of the country to market, at the lowest possible price, and reduce the price of transportation on those articles as well as those which will be required in return. The agriculturalist is not anxious about the *velocity* with which those productions may move. Time when applied to individuals, is always money; but when applied to cargoes, may not be. It is not a matter of so much consequence to him, whether he is one week or one month, reaching his market, as it is that he receives for his labour the greatest amount of profit; and he knows the profit is always increased in proportion as the cost of transportation is decreased. The improvements best adapted to the business transactions between some of our commercial cities of the East, and also in Europe, would not possess the same advantages in this country, where the transportations for many years must necessarily be the productions of the soil, and heavy commodities in exchange. The true policy, then, your committee would respectfully suggest, in opening channels for commerce, would be to construct canals where they are practicable,—and where not, it may be safe to make rail-ways, to connect important points, and where the face of the country is adapted to their construction.

The reasons given for and against canals and rail roads, by their respective advocates, may be summed up as follows:

Advantages of Canals.

First—Cheapness of construction, when compared with their utility and durability.

Second—The cheapness, safety, and indeed facility, with which the heavy productions of the soil, as well as all other bulky articles, may be conveyed upon them, and the advantages they afford to farmers to use their own means of conveyance.

Third—Their permanency. There are canals now in use, that have been channels of extensive commerce for centuries, and which, with trifling repairs, will remain as useful for centuries to come.

Fourth—The money that is expended in their construction, is circulated amongst us, while many things necessary in the construction of a rail-way—such as iron for rails, &c.—is brought from a distance; con-

sequently we derive benefit from the operation of making as well as from the improvement when made.

Fifth—The repairs in canals, unlike rail-ways, become less expensive the longer they are in use, excepting the rebuilding the wooden structures when that material must necessarily be used.

Sixth—The water privileges created for hydraulic purposes, are not only a source of revenue to the State, but great convenience to the community at large.

Objections to Canals.

First—Boats cannot move with sufficient velocity to suit the commercial transactions of the country.

2d. They do more injury to the farms through which they pass, and by some have been supposed to be productive of bad health.

3d. The frequency of breaches produces interruptions in the trade of the country.

Advantages of Rail-roads.

1st Velocity.

2d. They can be used during seasons of the year when canals will be closed by ice.

3d. Steam power may be used advantageously upon them.

Objections to Rail-roads.

1st. If double tracks are used, and it is believed none other will answer the purpose, they are as expensive as canals. The reports of practical engineers in New York, Pennsylvania, New Jersey, and elsewhere fully prove this fact.

2d. Both cost and hazard is greater on rail-roads than on canals, and a much greater expense is incurred in keeping in repair cars than canal boats.

3d. The track, except the iron, must be composed entirely of wood; for stone has not been found to answer the purpose—and will decay so as to require an entire renewal as often as once in eight or ten years; and in addition to this, the annual repairs are great. The frost, the inequality in the settling of the embankments, and various other causes, tend to destroy the parallelism of the rails, disconnect the fastenings, and derange the levels, so as to produce much trouble and expense in keeping the road in order for use.

4th. Much of the money expended in the construction, must of necessity be sent out of the country, and when completed, the farmers must be dependent on a monopoly for the transportation of the fruits of their toil.

In support of the above comparisons and opinions, your committee will state the cost of several rail-roads and canals which has been collected from official documents on that subject.

The Columbia, Penn. rail-road, 82 miles, has cost \$42,000 per mile. The Portage rail-road, in the same State, 36 miles, \$43,000 per mile. The Albany and Schenectady, the Camden and Amboy, and the New Castle and Frenchtown rail-roads have cost little short of \$30,000 per mile. The Branch road to Washington city, has been estimated by practical engineers, to cost \$50,000 per mile. A wooden rail-road, from the Hudson river to New Brunswick, 30 miles, is estimated to be \$21,217 per mile. The last estimate is entitled to the more weight from the fact that in New Jersey a rail-way has been for some years in use, which has afforded to their engineers an opportunity of becoming acquainted with all the expenses attending their construction and use.

Four hundred miles of canal has been made in Ohio for an average of \$12,000 per mile. The canals of New York have cost \$18,000 per mile, and those of Pennsylvania, from 20 to \$25,000 per mile.—The Chesapeake and Ohio canal, 60 feet at the surface of the water, has cost \$32,000 per mile.

The engineer on the New Jersey rail-road, before referred to, states that the superstructure of a wooden rail-road, except the iron, must be removed once in ten years, at a cost, if a double track, of \$6,350 per mile. The above amount is equal to an annual expenditure of \$635 for the renewal of the road per mile. Add to this a daily expenditure required to keep the rails in order for the cars, which will make in all, a sum of not less than \$700 per mile. From the cheapness and convenience of timber in Indiana, the cost will not be so great, perhaps not more than \$500 per mile per annum.

From the 12th annual report of the Ohio canal commissioners, we learn that the repairs on canals in that State, which it is believed can vary but little from Indiana, does not exceed \$100 per mile, showing a saving of \$400 per mile per annum, in necessary repairs in favor of a canal.

Neither canals nor rail-ways will cost as much in the west, either in construction or repairs, as they do in the east. Yet your committee see no reason why the proportions here shown, will not hold good here as well as elsewhere.

The above comparisons, with due deference to the opinions of others, together with the whole report, is respectfully submitted for the consideration of the House. No doubt being entertained on the part of your committee, but that whatever difference of opinion may exist, our desires all tend to the advancement of the public weal.

Your committee herewith submit a bill.

The bill accompanying said report, entitled a bill (No. 194,) to provide for the Wabash and Erie canal and for the commencement of a general system of internal improvement in Indiana;

Was twice read, (the rules of the House having first been dispensed with,) when

Mr. Kilgore moved to amend said bill by inserting therein the following as two additional sections:

Sec. "That the Canal Commissioners shall cause to be made such surveys and estimates as may be necessary, in order to determine the practicability and cost of constructing a canal from the mouth of Nettie cree, or head of the White-water canal, to some suitable point on the Wabash and Erie canal, in the direction of the Southern bend of the St. Joseph river. But if in the course of the examination it should be ascertained that the construction of a canal through the whole distance is impracticable, but that the said White-water and Erie canal can be connected partly by canal and partly by rail road, then and in that case, it shall be their duty to cause surveys and estimates to be made for a canal as far as that mode of improvement is practicable, and to complete the connection by the location and estimate of a double track rail road, upon the plan best adapted to the transportation of the heavy agricultural productions of the State—all the cost and expense of which surveys shall be paid out of the moneys appropriated to the White-water canal.

Sec. The Canal Commissioners shall make, or cause to be made, a full report of the survey and estimated costs of said work to the next Legislature, if the same can be completed in time; and if not, then to the next succeeding Legislature."

Mr. Kelso moved to commit said bill and proposed amendment to a committee of the whole House, and make it the special order of the day for Wednesday next;

Which motion did not prevail.

The question then recurred on the motion to amend as proposed by Mr. Kilgore,

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bower, Bryan, Carr, Carter of C., Chapman, Hoagland, Howard, Johnson of M., Kilgore, Leslie, McCalley, McDougle, Mendenhall, Parks, Phelps, Shank, Smith of R., Strain, Thompson, Torbet, Vandever, Wilson of H., and Wright—24.

And those who voted in the negative, are,

Messrs. Angle, Bell, Bennett, Bigger, Brackenridge, Bradbury, Conwell, Cook, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Evans, Gaddes, Green, Hardesty, Hargrove, Henkle, Howell, Johnston of F., Kelso, Latshaw, Liston, Lockhart, Lowe, Marshall, McIntire, Moore, Nave, Newman, Puckett, Ray, Rockhill, Schooling, Shaw, Smith of F., Stanford, Storm, Vawter, Walker, Wallace, Willet, Wilson of P., Wilson of V., Woodruff, and Gregory, Speaker—48.

So said motion to amend was decided in the negative.

Mr. Bryan moved to amend the 18th section of said bill, as follows: insert after the word "Madison," in the second line, the words, "via Napoleon to."

Mr. Willet moved to lay said bill and proposed amendment on the table;

Which motion did not prevail.

Mr. Smith of R., moved to recommit said bill and proposed amendment to the Committee on Canals and Internal Improvements, with instructions to strike out all that part of the bill which provides for the White river canal and White-water canal and the rail road from Madison via Indianapolis to Lafayette, and to reduce the loan to the wants of the Wabash canal, and to provide for its prosecution alone."

And before the question was had thereon, the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

Mr. Crume moved that 1000 copies of the report made this forenoon by Mr. Evans from the Committee on Canals and Internal Improvements, be printed for the use of the members of this House.

Mr. Hargrove called for a division of the question, and it was thereupon put on the first branch thereof, to wit:

Will the House print said report?

The ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bigger, Bradbury, Carter of C., Chapman, Conwell, Crume, Culbertson, Curry, Curtis, Davis, Hannaman, Hardes-ty, Henkle, Johnson of M., Johnston of F., Kilgore, Liston, Lowe, McIntire, Moore, Newman, Puckett, Ray, Rockhill, Shaw, Smith of F., Smith of R., Stafford, Stanford, Storm, Thompson, Vawter, Wallace, Willet, Wilson of P., Wilson of V., and Gregory, Speaker—39.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bower, Brackenridge, Bryan, Carr, Cook, Dunning, Gaddes, Green, Hargrove, Hoagland, Howard, Howell, Latshaw, Leslie, Lockhart, McCalley, McDougale, Mendenhall, Nave, Parks, Phelps, Schooling, Shank, Strain, Torbet, Vandever, Walker, Wilson of H., Woodruff, and Wright—32.

So said motion to print passed in the affirmative.

The question was then put on printing 1000 copies, as proposed by Mr. Crume.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bigger, Brackenridge, Bradbury, Bryan, Carr, Carter of C., Chapman, Conwell, Cook, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Green, Hannaman, Henkle, Hoagland, How-

ell, Johnson of M., Johnston of F., Kelso, Kilgore, Latshaw, Liston, Lowe, McIntire, Moore, Newman, Puckett, Ray, Rockhill, Schooling, Shaw, Smith of F., Smith of R., Stafford, Stanford, Storm, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Willet, Wilson of P., Wilson of V., Woodruff, and Gregory, Speaker—53.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bower, Gaddes, Hardesty, Hargrove, Howard, Leslie, Lockhart, McCalley, McDougle, Mendenhall, Nave, Parks, Phelps, Shank, Strain, Wilson of H., and Wright—19.

So said motion passed in the affirmative.

Mr. Bryan, from the minority of the committee on Canals and Internal Improvements, (after having obtained leave) made the following report:

By a resolution of this House, the Report made by the Board of Directors of the Lawrenceburgh and Indianapolis Rail Road Company, was submitted to the committee on Canals and Internal Improvements, with a view, no doubt, to its careful examination, preparatory to the action of the House, on the application made by the Board for State assistance.

A reference to the report spoken of will disclose the facts, that a respectable company has been organized under the charter granted by this Legislature—one fifth of the stock taken by individuals—more than half the line located and estimated, and the location of the whole only prevented by the death of the Engineer—a portion of the road made by way of experiment—the whole at an expense of between three and four thousand dollars.

The information elicited by the examinations of this company, must be of the most valuable kind to a State, so many portions of which are destitute of water conveyance; and the success of this work must be looked upon as that of the Rail Road cause in general; not in opposition to canals, but as extending the benefits of commercial intercourse to districts where canals cannot be made.

The Board of Directors have expressed the belief that the resources of the country interested, are fully adequate to the construction of this work, could they be brought out and concentrated on this object. A fair portion of the backwardness displayed by the people, may be laid to the narrow and contracted legislation on the subject.

When it is perceived that the Legislature is voting millions for canals, and at the same time refusing the scantiest pittance for other improvements, in vain may we expect that the public will have confidence in them. With much regret, therefore, it is that the undersigned has witnessed the refusal of the majority of this committee to grant the desired assistance for this work. He cannot believe that justice will be done to the cause of rail road improvement without an effort for some work of the kind. He does not believe that justice has been done to the claims of the district of country interested in that particular undertaking; nor does he believe justice has been done to the public spirited

citizens who have expended their money in the progress of the work, and staked their fortunes in its success—for sacrifices have been made, and at least one valuable life lost in the undertaking.

In the view of the undersigned, this work is quite as important as any now in contemplation. At the same time, it is distinct in its character, interfering with none of the State works. On the contrary, passing as it does through a country destitute of the means of transportation, connecting the White Water with the Wabash canal, as it will some day, and crossing the White river canal, if completed, it will interest a district of country in these works, which must otherwise forever remain foreign and inimical to them. How, we would ask, is the immense water power of the White Water canal to be made profitable, if the wheat of the rich counties of Ripley, Decatur, and Shelby, is not brought to it? How is that of the White river and Wabash to be useful, but by connecting them with the country on either side? And how is the central part of our State to improve, unless by this kind of improvement, equal to those in the east and in the west?

Respectfully submitted,

SAMUEL BRYAN.

On motion of Mr. Evans,

Ordered, That 1000 copies of said report be printed for the use of the members of this House.

A message from the Senate by Mr. Morris their secretary:

MR. SPEAKER—

The Senate has passed a bill of the Senate, entitled

No. 12—An act to change the time of holding the Circuit Courts in the counties of Vermillion and Parke;

In which the concurrence of the House of Representatives is requested.

The bill named in said message was read the first time and passed to a second reading.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate has passed a memorial and joint resolution entitled

No. 79—A memorial and joint resolution of the General Assembly of the State of Indiana on the subject of the White Water canal;

In which the concurrence of the House of Representatives is requested.

The memorial and joint resolution named in said message was twice read, (the rules of the House having first been dispensed with.)

Mr. Smith of R. moved to lay said memorial and joint resolution on the table;

Which motion was lost.

Said memorial and joint resolution was then read the third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Willet, from the Judiciary committee to which was referred that part of the Governor's message that relates to the Indians, reported

A memorial and joint resolution [No. 195] in regard to the Pottawatamie and Miami Indians in this State;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That the Clerk carry it to the Senate and ask their concurrence.

The House then resolved itself into a committee of the whole on the bill [No. 150] to provide for an equitable mode of levying the taxes of this State; and after some time spent therein the Speaker resumed the Chair, and Mr. Kelso reported progress, and asked leave to sit again, which was granted by the House.

Mr. Howell, from the joint committee on Enrolled Bills, reported that they did on this day present to his excellency the Governor, for his approval and signature, the bill which originated in the Senate, of the following title to-wit:

No. 53—An act to repeal part of an act entitled an act to provide for the removal of obstructions to the navigation of Eel river, approved January 4, 1830.

And then the House adjourned until to-morrow morning at 9 o'clock.

TUESDAY MORNING, JAN. 13, 1835.

The House met pursuant to adjournment.

Mr. Bigger presented a petition of Lewis Morris and others, praying a State Road from Connersville to St. Omer;

Which was read and referred to the same select committee to which was heretofore referred sundry petitions on the same subject.

Mr. Johnston of F., after having obtained leave, presented a bill (No. 196) to amend an act entitled an act to amend the act entitled an act to incorporate the Franklin county Seminary, approved Feb. 3d, 1832;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

On motion of Mr. Bigger, the several orders of the day which precede the joint resolution (No. 113) on the subject of the boundary line between Indiana and Michigan, were, for the present, postponed, and the House proceeded to consider the same.

Said joint resolution was read the second and third times (the rules of the House having first been dispensed with) and passed.

Ordered, That Mr. Bigger carry the same, together with the report of the select committee therein named to the Senate, and ask their concurrence in said joint resolution.

A message from the Senate by Mr. Morris their Secretary:

Mr. SPEAKER—

The Senate has passed a memorial and joint resolution (No. 195) of the House in regard to the Pottawattamie and Miami Indians in this State without amendment.

Mr. Dunning presented a petition of James Harrah and others, praying the appointment of a commissioner on part of the State Road leading from Madison via Bloomington to Terre Haute;

Which was read and referred to a select committee of Messrs. Dunning, Wilson of V., Harris, Moore, and Carr.

Mr. Moore presented a petition of George W. Cundiff and others, praying a State Road from Martinsville to intersect the State Road leading from Bowling Green to Terre Haute, in Vigo county;

Which was read and referred to a select committee of Messrs. Moore, Harris, Wilson of V., Storm, and Stafford.

On motion of Mr. Moore a petition heretofore presented by Mr. Harris, and laid on the table on the 23d ult., on the same subject as the petition last above mentioned, was taken up and referred to the same select committee.

Mr. Shank presented a petition of Stephen Major and others, praying relief to Martha Major, widow of Allen Major, late of Shelby county, deceased;

Which was read and referred to a select committee of Messrs. Shank, Bryan, Woodruff, Bigger, and Smith of R.

Mr. Parks presented a petition of Jane Owens and Mercer Owens, executrix and executor of the estate of Samuel Owens, late of Lawrence county, deceased, praying authority to sell certain town lots therein named;

Which was read and referred to a select committee of Messrs. Parks, Thompson, Dunning, Vandever, and Kilgore.

Mr. Newman presented a petition of John Frazer and others, citizens of Wayne county, and owners of property adjoining the town of Richmond in said county, praying a change in the bounds of the corporation of said town.

Also a remonstrance of Alexander Stokes and others citizens of Richmond, against the petition last above named;

Which were severally read and referred to the Judiciary committee.

Mr. Vawter, after having obtained leave, presented a joint resolution (No. 197) relative to paying the pensioners of Indiana;

Which was twice read, (the rules of the House having first been dispensed with) when

Mr. Leslie moved to re-commit said joint resolution to a select committee.

Mr. Vandever moved to amend said motion by instructing said committee to provide for the payment of pensioners at the respective branch banks in this State, when,

On motion of Mr. Brackenridge.

Ordered, That said joint resolution and proposed motion to commit do lie on the table.

On motion of Mr. Smith of F. the several orders of the day which precede the bill (No. 194) to provide for the Wabash and Erie Canal, and for the commencement of a general system of internal improvement in Indiana, were for the present postponed, and the House proceeded to consider the same.

The question then recurred on the motion to re-commit to the Committee on Canals and Internal Improvements, with instructions as proposed by Mr. Smith of R., pending when said bill was last under consideration.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bower, Bryan, Carr, Carter of C., Cook, Dunning, Gaddes, Hargrove, Hoagland, Howard, Latshaw, Leslie, Liston, Lockhart, Lowe, McCalley, McDougle, Mendenhall, Parks, Phelps, Schooling, Shank, Shaw, Smith of R., Strain, Torbet, Vandever, Wilson of H., Wilson of P., Wright, and Gregory, Speaker—32.

And those who voted in the negative are,

Messrs. Angle, Bell, Bennett, Bigger, Brackenridge, Bradbury, Chapman, Conwell, Crume, Culbertson, Curry, Curtis, Davis, Evans, Green, Hannaman, Harris, Henkle, Howell, Johnson of M., Johnston of F., Kelso, Kilgore, McIntire, Moore Nave, Newman, Puckett, Ray, Rockhill, Smith of F., Stafford, Stanford, Storm, Thompson, Vawter, Walker, Wallace, Willett, Wilson of V., and Woodruff—41.

So said motion was decided in the negative.

Mr. Thompson moved to re-commit said bill to a select committee of three.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bigger, Bradbury, Bryan, Carr, Carter of C., Conwell, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Evans, Gaddes, Hannaman, Harris, Henkle, Johnson of M., Johnston of F., Kelso, Kilgore, Latshaw, Lockhart, Lowe, McIntire, Moore, Nave, Newman, Parks, Puckett, Ray, Rockhill, Schooling, Smith of F., Stafford, Stanford, Storm, Strain, Thompson, Vawter, Wallace, Willett, Wilson of V., and Gregory, Speaker—46.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bower, Brachenridge, Chapman, Cook, Green, Hargrove, Hoagland, Howard Howell, Leslie, Liston, McCalley, McDougle, Mendenhall, Phelps, Shank, Shaw, Smith of R., Torbet, Vandever, Walker, Wilson of H., Wilson of P., Woodruff, and Wright—25.

So said motion passed in the affirmative.

Ordered, That Messrs. Thompson, Angle, and Armstrong be said committee.

Mr. Shaw moved that the several orders of business be for the present postponed, for the purpose of giving him leave to introduce a resolution.

The question was then put: shall the orders of business be suspended?

And the ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bower, Brackenridge, Bryan, Carr, Carter of C., Green, Hargrove, Harris, Howard, Howell, Kelso, Latshaw, Leslie, Liston, Lockhart, McCalley, McDougle, Phelps, Schooling, Shank, Shaw, Smith of R., Torbet, Vandever, Walker, Wilson of H., Wilson of P., and Wright—29.

And those who voted in the negative are,

Messrs. Angle, Bell, Bennett, Bigger, Bradbury, Chapman, Conwell, Cook, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Evans, Gaddes, Hannaman, Hardesty, Henkle, Hoagland, Johnson of M., Johnston of F., Kilgore, Lowe, McIntire, Mendenhall, Nave, Newman, Parks, Puckett, Ray, Rockhill, Smith of F., Stafford, Stanford, Storm, Strain, Thompson, Vawter, Wallace, Willett, Wilson of V., Woodruff, and Gregory, Speaker—45.

So said motion was decided in the negative.

Mr. Newman, after having obtained leave, presented a bill [No. 198.] to change the time of holding the courts in the sixth judicial circuit;

Which was three times read, (the rules of the House having first been dispensed with,) and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The Speaker laid before the House the following supplemental annual report of the canal fund commissioners, which was read and referred to the committee on the canal fund, and 500 copies thereof were ordered to be printed, for the use of the members of this House, to wit:

OFFICE OF THE CANAL FUND COMMISSIONRR, }
 Indianapolis, Jan. 12, 1835. }

To the General Assembly of the State of Indiana:

The canal fund commissioners having this day received the Auditor's report, of the receipts from the canal lands the past year, and the accounts of the canal commissioners having been submitted and examined; are now prepared to make the further report contemplated in theirs of the 3d Dec. last.

There was, at the date of our annual report of Dec. 18, 1833, deposited in the Merchants' Bank and otherwise on hand and due as reported	\$102,288 57½
Since which, it has been ascertained that the amount of Canal Funds in the State Treasury, at the organization of this Board, was greater than reported to us, by the sum of \$187 49½, increasing the amount on hand, and due at that time	\$102,476 07

In which sum is included a balance of \$136 05½, being part of the canal funds in the Treasury of the State, at the organization of this Board, but which has been audited by the Auditor, and drawn by the late Treasurer as salary, since the organization of this Board; the propriety of which [as the commissioners have doubts respecting it] is respectfully submitted to the Legislature.

There has, since the report of Dec. 1833, been received by the Board, a balance of interest on our deposits in the Merchants' Bank, accruing from the 18th Aug. 1832, to the 1st of June last	4,965 03
Premium and interest on drafts on Merchant's bank	645 42
From sales of canal lands, from Nov. 25, 1833, to Nov. 25, 1834	20,673 69
Interest in advance on the same	3,128 53
Interest in advance on lands sold prior to Nov. 25, 1833	6,325 78
Full payments on lands sold prior to Nov. 25, 1833	2,503 50
Whole amount received from sales, interest, and full payments	32,631 50
From Merchants' Bank, on temporary loan mentioned in our last report	97,523 48

Balance on hand and due, Dec. 18, 1833, as above	102,476 07
Total	<u>\$238,241 50</u>

And there has been paid out

To contractors, for labor on canal, up to 30th Nov. 1834	148,971 08
For contingent expenses of locating and preparing canal for letting, salaries of commissioners, engineers, &c.	10,249 63
Per diem and expenses of fund commissioners	593 50½
Auditor's salary from March 1, 1832, to Dec. 1, 1834—2½ years	275 00
For an Iron Chest for Canal Commissioners, engraving bonds, clerk hire, postage, stationary, &c.	282 50½
For expenses in sale of canal lands, to 30th Nov. last	758 50
For principal and interest of debt to Wabash fund	5,162 51
For interest on temporary loan of Merchants' Bank, to Dec. 1st.	1,163 38
For interest on State bonds, from August 18, 1832, to 1st inst.	12,660 00
Total paid out	<u>\$180,116 10½</u>

And there was on hand and due the 1st inst.

In the hands of the Canal Commissioners, (including \$10,500 paid them in December, after their account was closed,) \$451 75, in the hands of John Scott, Canal Commissioner, and \$944 81, expended in survey of Whitewater canal, which the Board has no authority to allow	42,133 33
In the hands of Nicholas McCarty	20 00
In the hands of Wm. C. Linton	552 53½
In the hands of Jeremiah Sullivan	486 22½
In the hands of John Spencer, late disbursing Agent	6,723 35
Deposited in the Indianapolis Branch Bank, on the 1st inst. except \$82 94, but since paid Canal Commissioners	8,073 89½
Due from State Treasury, as before named	136 05½

Amount due and on hand Jan. 1, 1835

\$58,125 39½Total amount expended, and on hand,
and due\$238,241 50

It having, by the 5th section of the act of February last, been made the duty of the "Fund Commissioners to ascertain and fully enter, on their books, the expenditures which *have been*, or may be, incurred, in relation to the canal; and those which properly belong to the Canal Lands," distinguishing between the expenditures of the canal it became the duty of this Board, to ascertain and examine all previous accounts, as well of this Board, as those which occurred previous to its organization; the result of which we present in the following summary:—

There has been received

From the Appropriation from the Road and Canal Fund, made in 1828	1,892 45
From the sale of Canal Lands, in all, up to November last	101,416 61
From the sale of State Bonds, August 1832, and March, 1833	100,000 00
Borrowed of Merchants' Bank on temporary loan since 1st June last	97,523 48
Whole amount received for interest and premiums, including premium on State Bonds	21,372 24
Borrowed from Wabash Fund, in 1832	4,528 52
	<u>\$326,733 30</u>

And there has been paid out

For Canal, whole expense, to 30th November last	244,369 42½
For Canal Lands, expense of selection and sale	5,252 59
Paid principal and interest of Wabash Fund	5,162 51
Paid interest on temporary loan to Merchants' Bank, to Dec. 1st	1,163 38
Paid interest on State bonds to 1st January, 1835	12,660 00
Balance on hand and due, January 1, 1835, as above	58,125 39½

Whole amount expended, and on hand

\$326,733 30

The \$451 75, in the hands of John Scott, late Canal Commissioner, it is believed will not be paid unless collected by law from his sureties; and as this Board has no authority, it is believed, to commence suit on

his bond to the State, it is recommended that the Auditor be directed or this Board empowered to do it, in this and any similar case which may occur.

As all the funds now on hand will probably be required, to meet the payment *now* making on the canal line, and the one which *will* take place the 1st of February, the Commissioners contemplate making further temporary loans, until, in their opinion, the State bonds can be sold to the best advantage, and from arrangements now in progress, they calculate an advance in price, which will compensate a delay of sale, until their completion. And the Board would recommend that if future stock is created for canal purposes, that authority to issue six per cent. be continued—that the Board may have authority to dispose of either five or six per cent. stock, as in the state of the market may be most advantageous.

Whenever, from the sale of stocks, funds shall be provided at the east, it is contemplated so to arrange, through our Banks, that funds shall be sent to the canal line as needed, for which drafts on our funds at the east will afterwards be given, so that no funds will be on hand unproductive, nor taken from the deposite, where they are on interest, until after the amount is actually paid out on the canal line.

All of which is respectfully submitted,

NICHOLAS M'CARTY,
WM. C. LINTON.

Mr. Mendenhall, from the committee on roads to which was referred a petition on that subject, (after having obtained leave) reported

A bill [No. 199] to locate a state road from the town of Laporte, via Waverly to the western boundary of the state;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That said bill be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. M'Dougle, after having obtained leave, presented

A bill [No. 200] concerning the town of New Albany;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that Mr. M'Dougle carry it to the Senate and ask their concurrence.

On motion of Mr. Wallace, the several orders of the day which precede the joint resolution [No. 193] relative to printing the Laws and Journals of the present session, were for the present postponed, and said joint resolution was taken up from the table and considered.

The question recurred on the motion to amend as proposed by Mr. Bryan, pending when said joint resolution was last under consideration;

Whereupon, Mr. Bryan modified his proposed amendment by adding fifty copies of the Journals of the House, making 300 copies instead of 250.

Mr. Crume moved to amend said amendment, by providing that 500 copies be printed instead of 300.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bell, Chapman, Cook, Crume, Davis, Hargrove, Harris, Henkle, Hoagland, Johnston of F., Kelso, Kilgore, Leslie, Liston, Marshall, M'Dougle, Shank, Smith of F., Smith of R., Strain, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, and Wilson of H.—28.

And those who voted in the negative are,

Messrs. Angle, Bennett, Bigger, Bower, Brackenridge, Bradbury, Bryan, Carr, Carter of C., Conwell, Culbertson, Curry, Curtis, Dunning, Evans, Gaddes, Green, Hannaman, Hardesty, Howard, Howell, Johnson of M., Latshaw, Lockhart, Lowe, M'Calley, McIntire, Mendenhall, Moore, Nave, Newman, Parks, Phelps, Puckett, Ray, Rockhill, Schooling, Shaw, Stafford, Stanford, Storm, Willet, Wilson of P., Woodruff, Wright, and Gregory, Speaker—46.

So said motion was decided in the negative.

Mr. Smith of R. moved to amend the amendment so as to provide for the printing of 499 copies of the Journals;

Which motion was lost.

The question then recurred on the amendment of Mr. Bryan as modified, and being put,

It was decided in the negative.

On motion of Mr. Wilson of H. said joint resolution was amended as follows:

"That one copy be deposited in the Clerk's office, one in the county library in each county, and five in the State Library, all of which shall be neatly bound."

On motion of Mr. Armstrong said joint resolution was further amended by providing that each member shall have two copies of the Journals.

Mr. Newman moved further to amend the same as follows:

"And that the Secretary of State do also cause to be printed, in alphabetical order with marginal references, and bound with the said volume of general laws, all the laws of a general nature passed at the 16th, 17th, and 18th sessions of the General Assembly, keeping the acts of each session separate from those of the other sessions."

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bigger, Bradbury, Carter of C., Chapman, Curtis, Davis, Hannaman, Johnson of M., Kelso, Kilgore, Liston, Newman, Puckett, Ray, Smith of R., and Willet—16.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bell, Bennett, Bower, Brackenridge, Bryan, Carr, Conwell, Cook, Crume, Culbertson, Curry, Dunning, Evans, Gaddes, Green, Hardesty, Hargrove, Harris, Henkle, Hoagland, Howard, Howell, Johnston of F., Latshaw, Leslie, Lockhart, Lowe, Marshall, McCalley, McDougle, McIntire, Mendenhall, Moore, Nave, Parks, Phelps, Rockhill, Schooling, Shank, Shaw, Smith of F., Stanford, Storm, Strain, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Wilson of H., Wilson of P., Wilson of V., Woodruff, Wright, and Gregory, Speaker—58.

So said motion was decided in the negative.

It was then ordered that said joint resolution be engrossed and read a third time to-morrow.

Mr. Willet made the following report:

The Judiciary committee, to which was referred the inquiry "what statutory enactments are necessary (if any) to prevent injuries to the State House or any other public property belonging to the State in the town of Indianapolis," report that, in the opinion of the committee, the 33d section of the act relative to Crime and Punishment (*Revised Code*, page 187) sufficiently provides for that subject, and further legislation thereon is unnecessary;

Which was read and concurred in.

Mr. Kilgore, from the select committee to which was referred a petition on that subject, reported

A bill [No. 201] to repeal a part of an act entitled an act declaring the Mississineway river navigable and a public highway, approved January 23, 1827;

Which was twice read (the rules of the House having first been dispensed with) and,

On motion of Mr. Willet, committed to a committee of the whole House for to-morrow.

And then the House adjourned, until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment,

And proceeded to consider bills on their third reading.

The engrossed bill [No. 180] to incorporate the Indianapolis and Montezuma Rail Road Company,

Was read the third time, and,

On motion of Mr. Lowe, re-committed to a select committee.

Ordered, That Messrs. Lowe, Wilson of P., Johnson of M., Nave, Gaddes, and Hardesty be that committee.

Engrossed bills of the following titles, to wit:

A bill (No. 182) to extend a state road to Haydon's ferry,

A bill (No. 186) to amend an act entitled an act authorizing the ap-

pointment of Constables and defining their duties, approved January 17th, 1831,

A bill (No. 183) to locate a certain state road therein named,

A bill (No. 139) to organize the county of Kosciusco, and

A bill (No. 140) attaching the North East quarter of Section 4, Township 4, North of Range 8 East, to the county of Jennings,

Were severally read the third time and passed.

Ordered, That they be entitled acts, and that the Clerk carry them to the Senate and ask their concurrence.

The bill (No. 151) to authorize the counties therein named, to elect certain officers therein named, and for other purposes;

Was read the third time, amended by unanimous consent, and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

The bill (No. 191) to amend the several acts regulating the jurisdiction and duties of Justices of the Peace, in the counties therein named,

Was read the third time, when,

Mr. Hardesty moved to commit the same to a select committee;

Which motion was decided in the negative.

On motion of Mr. Kelso,

Ordered, That said bill do lie on the table.

On motion of Mr. Crume the bill (No. 166) to authorize the Trustees of the town of Connersville, to lay off a certain street, laid on the table on the 9th inst. was taken up and read the third time.

On motion of Mr. Smith of F., said bill was amended by unanimous consent, by adding thereto the following:

"The ground over which so much of the said Madison Street as is hereby vacated passes, shall revert to, and vest in the original grantor of said ground," and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

The House again resolved itself into a committee of the whole on the bill [No. 150] to provide for an equitable mode of levying the taxes of this State, and after some time spent therein, the Speaker resumed the chair, and Mr. Kelso reported progress and asked leave to sit again;

Which leave was granted by the House.

Mr. Leslie, from the joint committee on enrolled bills, reported that they have compared the enrolled with the engrossed bills of the Senate to-wit:

No. 7—An act to locate a state road from Decatur county, to the national road in Henry county;

No. 97—A memorial and joint resolution of the General Assembly of the State of Indiana on the subject of the White-water canal;

No. 75—An act supplemental to an act entitled, "an act legalizing the Election of Probate Judges; also, bills of the House of Representatives, entitled acts as follows, to wit:

No. 39—An act appropriating certain moneys accruing to the incorporation of the town of Crawfordsville to the purposes of building a market house and improving the streets of said town;

No. 72—An act to transfer the appropriation of certain moneys therein named;

No. 101—An act to establish a state road in Dearborn county;

No. 138—An act changing the time of holding the Probate Court in the county of Pike; and

No. 40—An act to establish a state road from Petersburg in Pike county, to Carlisle via Bruceville, &c., and find them truly enrolled.

Whereupon, the Speaker signed the same.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

And then the House adjourned until to-morrow morning at 9 o'clock.

WEDNESDAY MORNING, JAN. 14, 1835.

The House met pursuant to adjournment.

On motion of Mr. Bell, the several orders of the day which precede the bill (No. 159) to establish a certain state road in Delaware and other counties, laid on the table on the 8th inst. were for the present postponed, and said bill was taken up and recommitted to the same select committee to which was heretofore referred a petition on the same subject.

On motion of Mr. Bryan, the several orders of the day which precede the joint resolution (No. 197) relative to paying the pensioners of Indiana, were for the present postponed, and said joint resolution taken up from the table and considered.

The question then recurred on the instructions proposed by Mr. Vandever, pending when said joint resolution was last under consideration,

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bigger, Bower, Brackenridge, Bradbury, Brett, Carr, Carter of C., Chapman, Cook, Crume, Culbertson, Curry, Curtis, Dunning, Gaddes, Green, Hargrove, Harris, Henkle, Hoagland, Howard, Johnston of F., Kelso, Latshaw, Leslie, Lockhart, Lowe, Marshall, McCalley, McDougale, McIntire, Mendenhall, Moore, Parks, Rockhill, Shank, Shaw, Smith of F., Smith of R., Storm, Strain, Thompson, Torbet, Vandever, Walker, Wilson of H., Wilson of P., Woodruff, and Wright—49.

And those who voted in the negative are,

Messrs. Angle, Bell, Bennett, Bryan, Conwell, Evans, Hannaman,

Hardesty, Howell, Johnson of M., Kilgore, Liston, Nave, Newman, Phelps, Puckett, Ray, Schooling, Stafford, Stanford, Vawter, Willet, and Gregory, Speaker—23.

So said motion passed in the affirmative.

Mr. Smith of F., moved to reconsider the vote last above taken.

Mr. Chapman moved to lay said joint resolution and pending motion on the table;

Which motion did not prevail.

Discussion arising on the motion of Mr. Smith of F., to reconsider the vote on adopting the instructions proposed by Mr. Vandever, when

Mr. Willet called for the previous question, which call was seconded by two members, and was thereupon put, to wit:

Shall the main question be now put?

And passed in the affirmative.

The said main question was then put, viz: shall said joint resolution be engrossed and read the third time to-morrow?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bennett, Bigger, Bradbury, Bryan, Chapman, Conwell, Cook, Crume, Curry, Curtis, Davis, Evans, Gaddes, Hannaman, Hardesty, Henkle, Howard, Johnson of M., Johnston of F., Kilgore, Liston, Lowe, Marshall, McIntire, Mendenhall, Nave, Newman, Ray, Rockhill, Schooling, Smith of F., Stafford, Stanford, Torbet, Vawter, Walker, Willet, Wilson of P., Wilson of V., Woodruff, and Gregory, Speaker—43.

And those who voted in the negative are,

Messrs. Armstrong, Bower, Brett, Carr, Carter of C., Culbertson, Dunning, Green, Hargrove, Harris, Hoagland, Howell, Kelso, Latshaw, Leslie, Lockhart, McCalley, McDougle, Moore, Parks, Phelps, Puckett, Shank, Shaw, Smith of R., Storm, Strain, Thompson, Vandever, Wallace, Wilson of H., and Wright—33.

So said joint resolution was ordered to be engrossed and read a third time to-morrow.

The Speaker laid before the House a report from the commissioner of the Michigan road in pursuance of a resolution of this House on the 8th inst., showing the situation of the Michigan road lands, and of the fund arising therefrom, and facts in reference to future operations on said road;

Which was read and referred to the committee on Roads.

Mr. Evans moved that 500 copies thereof be printed for the use of the members of this House;—400, 300, 200, and 100 copies were severally proposed; and

A division of the question being called for by Mr. Willet,

The first branch thereof was thereupon put, to wit:

Shall said report be printed?

And passed in the affirmative.

Questions were then put, on the numbers 500, 400, and 300, and severally decided in the negative.

The question was then put, on printing 200 copies.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bower, Brett, Bryan, Carter of C., Chapman, Evans, Green, Hannaman, Harris, Johnson of M., Liston, Marshall, McCalley, Smith of R., Thompson, Walker, Wallace, Wilson of H., and Gregory, speaker—20.

And those who voted in the negative are,

Messrs. Angle, Bell, Bennett, Bigger, Bradbury, Carr, Conwell, Cook, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Gaddes, Hardesty, Hargrove, Henkle, Hoagland, Howard, Howell, Johnston of F., Kelso, Kilgore, Latshaw, Leslie, Lockhart, Lowe, McDougle, M'Intire, Mendenhall, Moore, Nave, Newman, Parks, Phelps, Puckett, Ray, Rockhill, Schooling, Shaw, Smith of F., Stafford, Stanford, Storm, Strain, Torbet, Vandever, Vawter, Willet, Wilson of P., Wilson of V., Woodruff, and Wright—54.

So the decision of the House was against printing 200 copies.

And on the question to print 100 copies,

It passed in the affirmative.

Mr. Crume moved to re-consider the vote on printing said report;

Which motion did not prevail.

The Speaker laid before the House a report of the board of canal commissioners, showing the state of their accounts with the commissioners of the canal fund, the amount of canal lands sold within the last year, and a statement of the survey of lands through the Indian reserves for the site of the canal;

Which was read and referred to the committee on the canal fund.

Mr. Smith of F. moved that 500 copies thereof be printed, for the use of the members of this House.

Mr. Evans called for a division of the question, the first branch whereof was thereupon put, to wit:

Shall said report be printed?

And was decided in the negative.

Mr. Kilgore having obtained leave, moved the following resolution, which was read and adopted, to wit:

Resolved, That William Polke, commissioner of the Michigan road, be permitted to meet with the committee on roads, when they assemble to investigate the charges made against him, and that he be permitted to examine or cross examine any witnesses that may appear before said committee.

Mr. Angle presented a petition of John B. King and others, praying a law incorporating the several townships in the county of Warren;

Which was read and referred to a select committee of Messrs. Angle, Davis, and Carter of C.

Mr. Liston presented the three following several petitions, which were read and laid on the table, to wit:

1. A petition of Clark Walldridge and others, praying a State road from the town of Laporte via Wheelers' store to the 20 mile prairie, in the direction to Hickory creek.

2. A petition of Reuben Hurlbert and others, citizens of the territory attached to Laporte county, praying a State road from the present Detroit and Chicago road in section six, town 36 north, range five west, to the State line, to meet a road that may be laid out by Indiana from the town of Plainfield toward Laporte.

3. A petition of William Thomas and others, citizens of the attached part of Laporte county, praying a State road from Laporte to the western boundry of the State in the direction of Chicago.

Mr. Kelso moved that the several orders of the day which precede the bill No. 149, authorizing a loan of \$300,000 for the improvement of roads, and pledging the three per cent. fund for the payment thereof, be for the present postponed, and that the House proceed to consider said bill.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bennett, Bigger, Bryan, Carr, Cook, Green, Hargrove, Harris, Hoagland, Howard, Howell, Kelso, Leslie, Liston, Lockhart, Lowe, Marshall, McDougle, Mendenhall, Moore, Phelps, Shank, Smith of F., Smith of R., Strain, Thompson, Torbet, Vanderveer, Vawter, Walker, Wallace, Wilson of H., Woodruff, Wright, and Gregory, speaker—36.

And those who voted in the negative are,

Messrs. Angle, Bell, Bower, Bradbury, Brett, Carter of C., Chapman, Conwell, Crume, Culbertson, Curtis, Davis, Dunning, Gaddes, Hannaman, Hardesty, Henkle, Johnson of M., Johnston of F., Kilgore, Latshaw, McCalley, M'Intire, Nave, Newman, Parks, Puckett, Ray, Rockhill, Schooling, Shaw, Stafford, Stanford, Storm, Willet, and Wilson of P.—36.

So said motion was decided in the negative.

Mr. Chapman moved that the several orders of business be suspended, and that he have leave to make a report from a select committee;

Which motion was decided in the negative.

Mr. Johnson of M. presented a petition of sundry citizens of towns 14 and 15, range 4, and of towns 14 and 15 range 3, in Marion county, praying a special act for the formation of a new school district out of a mile square out of each of said towns—and a remonstrance of sundry other citizens of said towns against the same;

Which were read and referred to the committee on Education.

Mr. Gaddes presented a petition of James Morris and others, praying a State road from Crawfordsville via Poplar Springs and other points, to the Bloomington road, near John Mercer's;

Which was read and referred to the committee on Roads.

Mr. Hardesty presented a remonstrance of James Rankins and others against the petition last above named, which was read and referred to the committee on Roads.

A message from the Governor by Mr. Ketcham, his private secretary:

MR. SPEAKER,

I am directed by his Excellency the Governor, to inform the House of Representatives that he did, on the 12th inst. approve the following acts, which originated in the Senate:

An act [No. 53] to repeal part of an act entitled "an act to provide for the removal of obstructions to the navigation of Eel river," approved Jan. 4, 1830; which has been filed in the Secretary's office.

Mr. Lowe presented a memorial of Tobias Miller and others, citizens of Parke county, praying a reform in the economy of the Indiana college;

Which was read and referred to the committee on Education.

Mr. Shank presented a certificate of Sylvan B. Morris, clerk of the Shelby circuit court, and Morris Morris, auditor of public accounts, relative to a claim in favor of Edward Gird, late collector of Shelby county;

Which was read and referred to the committee on Claims;

Mr. Phelps presented a petition of George Black and others, praying a State road from Levenworth to Mauksport;

Which was read and referred to the committee on Roads.

Mr. Leslie, from the Joint Committee on Enrolled Bills, reported that they did on this day present to his Excellency the Governor for his approval and signature a bill, which originated in the Senate, of the following title, to wit:

(No. 64). "An act incorporating the Carlisle School Society," and a memorial and joint resolution, which originated in the House of Representatives, entitled as follows:

(No. 86) "A memorial and joint resolution of the General Assembly of the State of Indiana, soliciting aid to improve the great Northern chain of communication from the Maumee Bay, in Ohio, to the Rapids of the Illinois River," and a memorial and joint resolution, which originated in the Senate, entitled as follows:

(No. 79) "A memorial and joint resolution of the General Assembly of the State of Indiana on the subject of the White-water Canal."

On motion of Mr. Phelps a petition of Eli Everett and others, heretofore presented and laid on the table, relative to a State Road from Levenworth to New Albany via Mauksport, was taken up and referred to the Committee on Roads.

Mr. Crume made the following report:

The Committee of Ways and Means, to whom was referred a resolution of this House directing them to inquire into the expediency of reporting a bill allowing a premium of fifty-cents, payable out of the State treasury, and twenty-five cents out of the county treasury, for prairie wolf scalps, have had that subject under consideration, and a majority of said committee have directed me to report that in their opinion it is inexpedient to legislate on that subject at this time;

Which was read, and,

On motion of the Speaker, (Mr. Wallace occupying the chair at the time) re-committed to a select committee with instructions to report a bill agreeably to the requisitions of the resolution named in said report.

Ordered, That Messrs. McIntire, Hannaman, and Conwell be said committee.

Mr. Crume made the following report:

The Committee of Ways and Means, to whom was referred so much of the Governor's message as relates to the revenue of the State, a resolution (No. 21) relative to assessing and collecting the taxes, a resolution (No. 25) to require one magistrate in each township to assess and collect all taxes in their respective townships, and a resolution directing them to inquire into the expediency of repealing so much of an act entitled an act for assessing and collecting the revenue, approved February 10th, 1831, as makes it the duty of the clerks of the several counties to make out four copies of the list of delinquents as returned by collectors of their several counties; to put up one of said copies in some conspicuous place in their office, and keep the same up at least twelve months, and to cause three other copies to be posted up in three of most public places in their counties, within ten days after receiving said return, and also so much of said act as makes it the duty of the clerk to publish a list of the unassessed property that has been assessed, and the taxes collected thereon by the collector, in the same manner and at the same time that he publishes the delinquent list—have had these several subjects under consideration, and a majority of said committee have directed me to report that in their opinion it is inexpedient to legislate on those subjects at the present session, because in the opinion of your committee all things touching the assessing and collecting the revenue of the State will be provided for in a bill now on your files, entitled a bill to provide for an equitable mode of taxation, and ask to be discharged from the further consideration of the same;

Which was read, when

Mr. Nave moved to re-commit the same to a select committee with instructions to report a bill according to the requisitions in the resolution last named in said report.

Mr. Storm moved to amend said instructions by making a provision in said bill requiring the Clerk to post up in each township in the county one copy of the delinquent list;

Which motion did not prevail.

The question then recurred on the proposition of Mr. Nave, And decided in the negative.

Said report was then concurred in by the House.
And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

On motion of Mr. Moore the several orders of the day which precede the bill (No. 150) to provide for an equitable mode of levying the taxes of this State, were for the present postponed, and the House again resolved itself into a committee of the whole on said bill, and after some time spent therein the Speaker resumed the chair, and Mr. Kelso, reported the bill with sundry amendments, in which he asked the concurrence of the House.

And before any question was had thereon,
The House adjourned until to-morrow morning at 9 o'clock.

THURSDAY MORNING, JAN. 15, 1835.

The House met pursuant to adjournment.

The following message was received on yesterday from the Senate by Mr. Morris their Secretary:

MR. SPEAKER—

The Senate has passed engrossed bills of the House of Representatives, entitled as follows:

No. 124—An act declaring a certain road therein named a state road;

No. 137—An act to change the name of Travis Adcock and others;

No. 143—An act to incorporate the Dearborn County Seminary;

No. 155—An act to incorporate the Mishawaka Bridge Company;

No. 189—An act to incorporate the Greencastle Steam Mill and Manufacturing Company;

All with amendments, in which amendments the concurrence of the House of Representatives is requested.

The amendments of the Senate made to the bills of the House, named in said message, were severally read and concurred in by the House.

Ordered, That the Clerk inform the Senate thereof.

Mr. Dunning presented an account of George Graham against the State, for hauling and putting up stoves in the Representatives' Hall;

Which was read and referred to the committee on Claims;

On motion of Mr. Kelso,

Messrs. Leslie and Wilson of H., were added to the committee on Roads.

Mr. Kilgore presented a petition of Edmund P. Gaines and others, citizens of Grant county, praying a state road from the town of Marion to the town of Huntington—Also a petition of Jabez H. Moore and others, praying a state road commencing on the section line dividing sections 14 and 15, on the Huntington state road, thence to the town of Lebanon;

Which were severally read and referred to a select committee of Messrs. Kilgore, Rockhill, Chapman, and Carter of C.

On motion of Mr. Stanford, the petition of William Ramsey and others, praying a re-location of a part of the state road leading from Knightstown in Henry county, to Hill's mill in Rush county, heretofore presented and laid on the table, was taken up and referred to a select committee of Messrs. Stanford, Bigger, and Willet.

A message from the Governor by Mr. Ketcham his private secretary:

MR. SPEAKER—

I am directed by his excellency the Governor to inform the House of Representatives that he did, on the 14th inst., approve a memorial and joint resolution, entitled as follows, to-wit:

No. 79—A memorial and joint resolution of the General Assembly of the State of Indiana on the subject of the White Water Canal;

Which originated in the Senate, and which has been filed in the Secretary's Office.

Mr. Lockhart presented two several accounts of James G. May, against the Treasurer of State and Andrew Wilson commissioner of the French Lick Reserve, for printing certain advertisements, accompanied by papers containing a copy of said advertisements;

Which were read and referred to the committee on Claims.

Mr. Bower presented a remonstrance of William Foster and others, against any change in the state road from New Washington in Clark county, to Lexington in Scott county;

Which was read and laid on the table.

Mr. Ray made the following report, which was read and concurred in:

The Judiciary committee, to which was referred the memorial and complaint of Henry M'Cracken, a citizen of Morgan county, charging Francis Whicher, a justice of the peace in and for said county of Morgan, and state of Indiana, with corruption, mis-feasance, mal-feasance, and non-feasance in office while acting in the discharge of the duties of his office as such justice of the peace, have according to order had that subject under their consideration, together with the accompanying documents referred to them, and a majority of said committee have instructed me to report that they are of opinion that the said Francis Whicher, as such justice of the peace, was not knowingly, wilfully, and corruptly guilty of any offence charged in said memorial; and are of opinion that it is inexpedient to prosecute said inquiry any further at this time—and therefore ask to be discharged from the further consideration of the subject.

Mr. Ray made the following report:

The Judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of making subject to execution all choses in action, and equitable titles to real estate, and stock in all incorporated companies, money, watches, and Jewels of all kinds not necessities that might be found about the person of an execution debtor, have according to order had that part of said resolution under their consideration, and have directed me to report that it is their opinion that any legislation on that subject at this time is inexpedient—and ask to be discharged from the further consideration of the same.

And the same committee, to which was referred that part of said resolution instructing them to inquire whether wheat, corn, and other grain, fruit, vegetables and grass growing are such property as are now or ought to be made subject to execution of a justice of the peace and to administration without the order of the probate court, have according to order had that subject under their consideration, and have directed me to report a bill.

The first branch of said report was read and concurred in.

The bill accompanying the second branch of said report, entitled

A bill [No. 202] declaratory of the law, and for the more perfect administration of justice, and for other purposes;

Was read the first time and passed to a second reading.

Mr. Brackenridge made the following report:

The Judiciary committee, in pursuance of certain resolutions of the House, numbured 21, 31, 40, and 55, have duly considered the several matters referred, and have directed me to report

A bill [No. 203] to amend an act entitled an act relative to crime and punishment, approved Feb. 10, 1831;

Said bill was read the first time and passed to a second reading.

Mr. Green made the following report:

The Judiciary committee, to whom was referred a bill entitled "an act to amend an act to regulate the mode of doing county business in the several counties in this state, approved Jan. 19, 1831, have had the same under consideration and directed me to report that it is unnecessary to legislate on that subject, and recommend that the same be indefinitely postponed;

Which was read and concurred in, and said bill indefinitely postponed accordingly.

Mr. Chapman made the following report, which was read and concurred in by the House:

The Judiciary committee, to whom was referred the petition and accompanying document of Joseph Lafevre, have had that subject under consideration, and directed me to report that it is inexpedient to legislate on that subject at this time, inasmuch as ample remedies are provided by law for cases of that kind—and ask to be discharged from the further consideration thereof.

Mr. Ray made the following report:

The committee on the Judiciary, to whom was referred a resolution instructing them to inquire into the expediency of amending the law regulating distress for rent, so as to give to the tenant the right of trial

on the merits of the case before the justice of the peace issuing such warrant; said resolution instructing them also to inquire into the expediency of amending the act regulating distress for rent, so as to enable the tenant to obtain the stay of execution, when the debt due is more than one hundred dollars, by allowing the justice of the peace before whom the same may be brought to decide the claim and take several confessions therefor; and also to exempt such property from distress as is now exempt from execution; and to provide for allowing a distress when the rent is payable in any thing other than money—have accordingly to order had these several subjects under their consideration, and have directed me to report a bill entitled

A bill [No. 204] to amend an act entitled an act regulating distress for rent, approved Feb. 10, 1831;

Which was read the first time and passed to a second reading.

A message from the Senate by Mr. Morris, their Secretary:

Mr. SPEAKER—

The senate has passed an engrossed bill of the House of Representatives entitled

No. 136—An act to incorporate the St. Joseph Iron Company, with amendments;

Also an engrossed bill of the Senate entitled,

No. 58—An act declaring a certain state road therein named a state road;

In which bill of the Senate, and the amendments proposed to the bill of the House, the concurrence of the House of Representatives is requested.

The bill of the Senate named in said message was read the first time and passed to a second reading.

The several amendments made by the Senate to the bill of the House named in said message were read and concurred in by the House.

Mr. Chapman made the following report, which was read and concurred in:

The Judiciary committee, to whom was referred a resolution instructing them to inquire into the expediency and constitutionality of a law authorizing slopes to be built on the dams which are erected across streams declared navigable by the laws of this state, and on which public moneys have been expended for improving the navigation of the same, have had that subject under consideration, and directed me to make the following report:

That the expediency of a law would depend upon the demand of the navigation, and the extent of obstruction; and the constitutionality of a law, upon the rights vested, privileges granted, or conditions required—and deem it inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration thereof.

Mr. Newman made the following report, which was read and concurred in:

The committee on the Judiciary, to which was referred the petition

of Andrew Hull and others, of Morgan county, praying relief, and the passage of an act to entitle James H. Hamilton to commence and maintain a suit upon a certain bond, have according to order had the same under consideration, and have directed me to report that legislation on that subject is inexpedient, and ask to be discharged from the further consideration of said petition.

Mr. Green made the following report:

The committee on the Judiciary, to whom was referred a resolution to inquire into the expediency of so amending the law now in force, as not to require a publication in a newspaper of the taking out letters of administration out of the county, have had that subject under consideration, and directed me to report a bill, entitled

A bill [No. 205] to amend an act entitled an act organizing probate courts and defining the powers and duties of executors, administrators, and guardians, approved Feb. 10, 1831;

Which was read the first time and passed to a second reading.

Mr. Hargrove made the following report:

The Committee on Claims to which was referred the certificates of the Clerk of Shelby county and Auditor of Public accounts, on the claim of Edward Gird, Collector of state and county revenue of said county of Shelby, for the year 1833, have had that subject under consideration, and have directed me to report the following resolution:

Resolved, That the Committee of Ways and Means be directed to allow Edward Gird, Collector of Shelby county for the year 1833, in the specific appropriation bill, the sum of thirty-four dollars and twelve and a half cents, the amount over-paid into the State Treasury by said Collector, on settlement of his accounts with the same, in the aforesaid year;

Which was read, and said resolution adopted.

Mr. Hargrove made the following report:

The Committee on Claims, to which was referred a resolution of this House, instructing them to inquire into the expediency of allowing the Collector of Cass county, for the year 1832, for moneys overpaid into the State Treasury on settlement of his accoents, together with the certificate of the Auditor of State, have had that subject under consideration, and have directed me to report the following resolution:

Resolved, That the committee of Ways and Means be directed to allow the Collector of Cass county, for the year 1832, in the specific appropriation bill, the sum of eight dollars and eighteen cents, the amount overpaid into the State Treasury by said Collector, on settlement of his accounts with the same, in said year of 1832;

Which was read and said resolution adopted.

Mr. Chapman, from the Committee on Roads, to which was referred a petition on that subject, reported

A bill (No. 206) to locate a state road from Lima, the seat of justice of Lagrange county, to Huntington, the seat of justice of Huntington county;

Which was read the first time and passed to a second reading.

Mr. Vawter made the following report,

Which was read and said resolution adopted:

The Committee on Roads to which was referred the memorial of John Barns and others, asking an inquiry into the official conduct of the Commissioner on the Michigan Road, have according to order had that subject under consideration, have progressed in the investigation thereof, so far as to hear the testimony of all the witnesses summoned, for and against said commissioner. And the committee, will, so soon as they have time, make a report more in detail, exhibiting in one view, the matters and things set forth in the prayer of said memorialists, as also the opinions of the committee relative to other subjects referred to them; and will, in particular, notice the report made by said Commissioner to this House. The committee, with an eye to an economical expenditure of the public funds, have directed me to report that it is expedient to discharge all the witnesses summoned in the aforesaid case, and offer for adoption the following resolution:

Resolved, That the Committee of Ways and Means be directed to allow in the bill making specific appropriations to Benjamin Crews, William Miller, and John G. McClelland, three dollars and twenty-five cents each; to William Doble, two dollars and twenty-five cents; to John Walker, the sum of three dollars and ninety-five cents; to William Sheets, Austin W. Morris, John Sering and David Burr, one dollar and twenty-five cents each.

Mr. Chapman, from the select committee to which was referred a petition on that subject, reported

A bill [No. 207] to incorporate the Turkey Plain Manufacturing Company;

Which was read the first time and passed to a second reading.

Mr. Dunning made the following report:

The select committee to which was referred the petition of James Harrah and others, praying the appointment of a Commissioner to view a certain state road, have had the same under consideration, and have directed me to report a bill (No. 208) entitled

A bill to declare a certain county road therein named, a state road;

Which was read the first time and passed to a second reading.

Mr. Rockhill from the select committee to which was referred a petition on that subject, reported

A bill [No. 209] to locate a state road from Goshen in Elkhart county, to Richmond in Wayne county;

Which was read the first time and passed to a second reading.

Mr. Thompson made the following report:*

The select committee to whom was referred "a bill to provide for the Wabash and Erie Canal, and for the commencement of a general system of internal improvements in Indiana," have had the same under their consideration, and a majority of them have instructed me to report the same back to the House with the following amendments;

* The report made by Mr. Thompson, is published just as we find it, though a portion of it is evidently missing. As originally made it contained a provision for a turnpike road from Crawfordsville, through Greencastle, Bloomington, and Bedford to Salem. That provision was, at the request of the mover, voted down, and a substitute, which he offered in lieu of it, may be found in the Journal of the 24th January.

Which amendments are as follows, to wit:

4. In the 6th section, strike out the words "as soon as practicable," and insert "during the ensuing summer and fall, if practicable; and if it should be deemed practicable to construct said work, the State hereby irrevocably pledge her faith for its commencement and completion."

5. Add to sec. 22, "provided also, that so soon as individual subscriptions shall be raised to construct that portion or division of the road from Lafayette to Indianapolis, the Board of Directors may order the commencement of the same, and that, in no event, shall any portion of the stock subscribed upon said division be transferred to the completion of that portion or division of the route from Madison to Indianapolis."

6. Amend the bill by inserting the following:

"Sec. 25. The survey and examination herein directed, shall be made through the town of Columbus in Bartholomew county, Franklin in Johnson county, and Danville in Hendricks county; and in case it be found practicable to locate the route making these towns points, the Board shall establish them as such."

The question upon said report being for the present suspended;

Mr. Armstrong, from the minority of said committee, made the following report, to wit:

The undersigned, as a minority of the select committee to which was referred the bill reported to this House, from the committee on canals and internal improvements, begs leave to report, that having been so unfortunate as to differ from the two other members of the committee associated with him, he feels himself bound by a sense of duty which he owes to his constituents, to this House as well as to himself to give an expression of his views on the important subject assigned to the committee.

In entering upon this duty, he feels conscious of the great responsibility under which he acts. Under ordinary circumstances, it would be a source of regret, to differ from the opinions of the respectable members of the committee with whom he has had the honor to act; but on this subject, which is perhaps of greater importance than any other which is or will be presented to the consideration of the House during the present session, he is compelled to give his views, however unpleasant it is to differ with others.

If a general system of internal improvement and the appropriation of money on the various important routes for canals and roads, should be determined on at the present session, the undersigned conceives that one of the most important road routes in the State is neglected, namely, the road from Jeffersonville to the town of Indianapolis. This road would connect with all important roads centering at the seat of government, and connecting them with the important roads of Kentucky at the Falls; there would be no interruption by the freezing of the Ohio by this route, as must necessarily be the case on the Madison route, to connect with the important roads leading from the Falls before referred to.

At a time of considerable excitement, while there is a diversity of opinion in relation to the important subject under consideration, the motives, as well as the actions of men are liable to be misconstrued by being viewed through the medium of prejudice and passion, however honestly they may be disposed to act.

The undersigned, however, feels himself bound to declare, that he differs from a majority of the committee as to the most judicious plan of commencing and completing a system of internal improvements. He would unhesitatingly assert, that in his opinion, the great work of the Wabash and Erie canal, commenced under such favorable auspices, and destined at some future day to connect the waters of the lakes with those of the Mississippi, should stand as it was originally projected—*separate* and *detached* from other works of internal improvement which the faith of the State shall stand pledged for the commencement, prosecution, and completion of. He conceives the State bound to complete said canal as far as the survey made by the engineers under the authority of the act of the Legislature extends, and that a sufficiency of funds should be provided by the State for the successful prosecution and completion of that canal to the termination of the before mentioned survey—and perhaps it should be extended further during the present session.

He also recognizes the propriety of establishing a board of works of internal improvement, to examine and survey the different routes proposed to be improved, before there should be any other expenditure or pledge of appropriation made to such contemplated projects—but that at this time it would be unjust and inexpedient to pledge the State for the prosecution and completion of the various works contemplated in the bill. He would suggest the propriety of a survey of the prominent routes proposed, to be reported to the next Legislature.

The representatives of the people would then be prepared to act discreetly and with more information than at the present session, with reference to the propriety of appropriations. The people under whose delegated authority we here act, will, in the interim, have an opportunity to express their opinions.

Under existing circumstances, instructions from the people cannot be had, and any action on a combination of works which would involve millions of the people's money, is deemed premature. From every consideration, the undersigned has been able to give the subject referred to the committee, a due regard to the interest of the present inhabitants of the State, and to its ultimate growth and prosperity, will not justify the amalgamation of so many works of internal improvement as are contemplated, and pledging the people's money for the prosecution and completion of them.

The State is not prepared for the assumption of such a debt, as must necessarily be incurred if all those works should now be prosecuted. It would, in all probability, lead to excessive taxation, which is and has in all times been odious—and we should *pause* and duly consider before we consent to place such a burthen on the present community or those who are to live after us.

These views are submitted with due respect to the consideration of the House, not as an enemy to internal improvements, but as a friend to what he conceives to be the interest of the community.

WM. G. ARMSTRONG.

The said amendments reported by the select committee, having been read,

Mr. Wallace moved that the House concur therein, generally.

A division of which question, to wit:

That the vote be taken on the amendments, separately, was called for by Mr. Brackenridge.

Mr. Lockhart moved to amend the third amendment reported by the committee, by striking out the word "one," before the words "hundred thousand dollars," in the clause making an appropriation to the turnpike road from Crawfordsville to Salem, and inserting in lieu thereof the word "two."

And before any question was had thereon,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

And proceeded to consider the orders of the day.

The engrossed joint resolution, (No. 193) relative to printing the Laws and Journals of the present session,

Was read the third time, and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The engrossed joint resolution [No. 197] relative to paying the pensioners of Indiana,

Was read the third time;

And on the question, shall said joint resolution pass?

The yeas and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bennett, Bigger, Bryan, Chapman, Conwell, Cook, Crume, Curry, Curtis, Davis, Evans, Gaddes, Hannaman, Hardesty, Harris, Henkle, Johnson of M., Johnston of F., Kilgore, Liston, Lowe, Marshall, McIntire, Mendenhall, Nave, Newman, Puckett, Ray, Rockhill, Schooling, Smith of F., Stafford, Stanford, Vawter, Walker, Willet, Wilson of P., Wilson of V., Woodruff, and Gregory, speaker.

—42.

And those who voted in the negative are,

Messrs. Armstrong, Bower, Brackenridge, Brett, Carr, Carter of C., Culbertson, Dunning, Green, Hargrove, Hoagland, Howard, Howell, Kelso, Latshaw, Leslie, Lockhart, McCalley, McDougle, Moore, Parks,

Phelps, Shank, Shaw, Smith of R., Storm, Strain, Thompson, Torbet, Vandever, Wallace, Wilson of H., and Wright—33.

So said joint resolution passed.

Ordered, That the clerk carry it to the Senate and ask their concurrence.

On motion of Mr. Hardesty,

The bill [No. 191] to amend the several acts regulating the jurisdiction and duties of justices of the peace in the counties therein named, laid on the table on the 13th inst, was taken up, amended by unanimous consent, and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

Mr. Kilgore moved that the several orders of the day which precede the bill [No. 194] to provide for the Wabash and Erie canal, and for the commencement of a general system of internal improvement in Indiana, be for the present postponed, and that the House do now consider the same.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bell, Bennett, Bigger, Bradbury, Brett, Carr, Chapman, Conwell, Cook, Crume, Curry, Curtis, Davis, Dunning, Evans, Hannaman, Hardesty, Harris, Henkle, Hoagland, Johnston of F., Kilgore, Liston, Lockhart, Marshall, McCalley, McDougale, McIntire, Mendenhall, Moore, Nave, Newman, Parks, Puckett, Ray, Rockhill, Schooling, Shank, Smith of F., Stafford, Stanford, Storm, Thompson, Vawter, Wallace, and Woodruff—48.

And those who voted in the negative are,

Messrs. Bower, Brackenridge, Bryan, Carter of C., Culbertson, Gaddes, Green, Hargrove, Howard, Howell, Johnson of M., Kelso, Latshaw, Leslie, Lowe, Phelps, Shaw, Smith of R., Strain, Torbet, Vandever, Walker, Willett, Wilson of H., Wilson of P., Wilson of V., Wright, and Gregory, Speaker—28.

So said motion passed in the affirmative.

The question then recurred on the amendment moved by Mr. Lockhart to the amendment of the committee, depending at the last adjournment.

Mr. Evans called for a division of the question.

The first branch thereof was thereupon put to wit: on striking out the word "one."

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Brackenridge, Bryan, Carr, Carter of C., Chapman, Culbertson, Dunning, Gaddes, Green, Hardesty, Hargrove, Harris, Hoagland, Howard, Leslie, Lockhart, Lowe, McCalley, McDougale, Parks, Phelps, Schooling, Shank, Shaw, Smith of R., Storm,

Strain, Thompson, Torbet, Vandever, Walker, Wilson of H., Wilson of P., Wilson of V., Wright, and Gregory, Speaker—38.

And those who voted in the negative are,

Messrs. Angle, Bell, Bennett, Bigger, Bower, Bradbury, Brett, Conwell, Cook, Crume, Curry, Curtis, Davis, Evans, Hannaman, Henkle, Johnson of M., Johnston of F., Kelso, Kilgore, Latshaw, Liston, Marshall, McIntire, Mendenhall, Moore, Nave, Newman, Puckett, Ray, Rockhill, Smith of F., Stafford, Stanford, Vawter, Wallace, Willett, and Woodruff—38.

So said motion to amend was decided in the negative.

Mr. Phelps moved to amend the said amendments by adding thereto the following, to be inserted in the bill as an additional section:

"Sec. That fifty thousand dollars be appropriated to the construction of a McAdamized road from Bedford via Orleans and Paoli to Levenworth, to be drawn and laid out under the direction of the directors of the Levenworth and Bloomington Rail Road Company."

And the ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bower, Brackenridge, Brett, Bryan, Carr, Carter of C., Culbertson, Dunning, Green, Hargrove, Hoagland, Howard, Howell, Leslie, Lockhart, Lowe, McCalley, McDougale, Parks, Phelps, Schooling, Shank, Shaw, Smith of R., Storm, Strain, Thompson, Torbet, Vandever, Vawter, Wilson of V., Wright, and Gregory, Speaker—34.

And those who voted in the negative are,

Messrs. Angle, Bell, Bennett, Bigger, Bradbury, Chapman, Conwell, Cook, Crume, Curry, Curtis, Davis, Evans, Gaddes, Hannaman, Hardesty, Harris, Henkle, Johnson of M., Johnston of F., Kelso, Kilgore, Latshaw, Liston, Marshall, McIntire, Mendenhall, Moore, Nave, Newman, Puckett, Ray, Rockhill, Smith of F., Stafford, Stanford, Walker, Wallace, Willett, Wilson of H., Wilson of P., and Woodruff—42.

So said amendment was not adopted.

Mr. Vandever moved to amend said amendments by adding thereto the following, to be inserted in the bill as an additional section, to wit:

"Sec. That the sum of \$250,000 be appropriated to the improvement of that part of the road leading from Louisville, by the way of Paoli and Vincennes, to St. Louis, which lies within the State of Indiana: Provided, that the same shall be applied to the making a turnpike road upon the McAdamized plan, and that the practicability and expense of the same be ascertained and reported to the next session of the Legislature."

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Brackenridge, Brett, Bryan, Carr, Carter of C., Chapman, Culbertson, Dunning, Green, Hardesty, Harris, Howard, Howell, Latshaw, Leslie, Lockhart, Lowe, McDougle, Parks, Phelps, Schooling, Shank, Shaw, Smith of R., Storm, Strain, Thompson, Torbet, Vandever, Walker, Wilson of V., Wright, and Gregory, Speaker—33.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bell, Bennett, Bigger, Bower, Bradbury, Conwell, Cook, Crume, Curry, Curtis, Davis, Eyns, Gaddes, Hannaman, Hargrove, Henkle, Hoagland, Johnson of M., Johnston of F., Kelso, Kilgore, Liston, Marshall, McCalley, McIntire, Mendenhall, Moore, Nave, Newman, Puckett, Ray, Rockhill, Smith of F., Stafford, Stanford, Vawter, Wallace, Willet, Wilson of H., Wilson of P., and Woodruff—43.

So said motion to amend was decided in the negative.

Mr. Shaw moved to amend said amendments by adding thereto the following, to be inserted in the bill as an additional section, to wit:

“Sec. That so soon as any Turnpike Company shall subscribe and secure to the State one third of the amount supposed to be necessary to construct a McAdamized Turnpike Road from Vincennes via Washington, Paoli, and Greenville to New Albany, in the same manner as is provided for in the bill for the construction of a Rail or McAdamized Road from Madison to Lafayette, then the State shall be authorized to subscribe the remaining two thirds necessary to prosecute and complete said road.”

And the ayes and noes being requested by two members.

Those who voted in the affirmative are,

Messrs. Armstrong, Bower, Brackenridge, Brett, Bryan, Carr, Carter of C., Chapman, Culbertson, Dunning, Green, Hargrove, Harris, Hoagland, Howard, Howell, Latshaw, Leslie, Lockhart, Lowe, McCalley, McDougle, Parks, Phelps, Schooling, Shank, Shaw, Smith of R., Storm, Strain, Thompson, Torbet, Vandever, Walker, Wilson of V., Wright, and Gregory, Speaker—37.

And those who voted in the negative are,

Messrs. Angle, Bell, Bennett, Bigger, Bradbury, Conwell, Cook, Crume, Curry, Curtis, Davis, Evans, Gaddes, Hannaman, Hardesty, Henkle, Johnson of M., Johnston of F., Kelso, Kilgore, Liston, Marshall, McIntire, Mendenhall, Moore, Nave, Newman, Puckett, Ray, Rockhill, Smith of F., Stafford, Stanford, Vawter, Wallace, Willet, Wilson of H., Wilson of P., and Woodruff—39.

So said motion was decided in the negative.

Mr. Bennett moved to amend said amendments by adding thereto the following, to be inserted in the bill as an additional section, to-wit:

“Sec. That the State of Indiana shall subscribe for and take one

half of the stock in the White Water and Miami Turnpike Company; provided that said Company may change the route of said turnpike road so as to terminate at Connersville in Fayette county; and provided also, that said Company shall have subscribed the balance of stock in said corporation, and actually paid in twenty per cent. on each share of the same."

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bennett, Bower, Brackenridge, Brett, Bryan, Carr, Carter of C., Chapman, Culbertson, Dunning, Green, Hargrove, Harris, Hoagland, Howard, Howell, Leslie, Lowe, M'Calley, McDougle, Mendenhall, Phelps, Schooling, Shank, Shaw, Smith of R., Storm, Strain, Torbet, Vandever, Walker, Wilson of P., Wilson of V., Wright, and Gregory, Speaker—36.

And those who voted in the negative are,

Messrs. Angle, Bell, Bigger, Bradbury, Conwell, Cook, Crume, Curry, Curtis, Davis, Evans, Gaddes, Hannaman, Hardesty, Henkle, Johnson of M., Johnston of F., Kelso, Kilgore, Latshaw, Liston, Lockhart, Marshall, McIntire, Moore, Nave, Newman, Parks, Puckett, Ray, Rockhill, Smith of F., Stafford, Stanford, Thompson, Vawter, Wallace, Willet, Wilson of H., and Woodruff—40.

So said amendment did not prevail.

Mr. McDougle moved to amend the third amendment of the committee, by continuing the road therein named to New Albany on the Ohio by the way of Greenville, and extending the benefits of said amendment to such continuation of said road.

Debate arising, Mr. Wilson of V. called for the previous question, which was seconded by two members, and was thereupon put, to-wit:

Shall the main question be now put?

And the ayes and noes being requested by two members:

Those who voted in the affirmative are,

Messrs. Armstrong, Bennett, Bower, Brackenridge, Carr, Green, Hargrove, Howard, Howell, Latshaw, Lowe, M'Calley, Mendenhall, Schooling, Shank, Shaw, Vandever, Wilson of H., Wilson of P., Wilson of V., and Wright—21.

And those who voted in the negative are,

Messrs. Angle, Bell, Bigger, Bradbury, Brett, Bryan, Carter of C., Chapman, Conwell, Cook, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Evans, Gaddes, Hannaman, Hardesty, Harris, Henkle, Hoagland, Johnson of M., Johnston of F., Kelso, Kilgore, Leslie, Liston, Lockhart, Marshall, McDougle, McIntire, Moore, Nave, Newman,

Parks, Phelps, Puckett, Ray, Rockhill, Smith of F., Smith of R., Stanford, Stanford, Storm, Strain, Thompson, Torbet, Vawter, Walker, Wallace, Willet, Woodruff, and Gregory, Speaker—55.

So said previous question was decided in the negative.

Mr. Kilgore gave notice that on to-morrow, or some subsequent day, he should move to amend the standing rules of the House by the addition of the following rule, to-wit:

"That in all cases where the previous question is called, and the House refuse to sustain the call and to put the main question, the bill or matter under consideration shall not be deferred or laid over, but the House may immediately proceed to act upon it in the same manner they would have done had not the previous question been called."

The House then resumed the consideration of the bill [No. 150] to provide for an equitable mode of levying the taxes of this State, depending at the adjournment of the House on yesterday evening.

The amendments reported thereto by the said committee of the whole House, were read and concurred in generally.

Mr. Kilgore moved further to amend said bill as follows:

Strike out of the first section the words, "also all personal property including household furniture over the value of \$150," and insert in lieu thereof the following:

"All horses, mules, and asses over the age of three years; all neat cattle of the age of two years and upwards; all hogs over one year old; all carts, wagons, and two or four wheeled carriages; all brass and wooden clocks, and gold and silver watches; all side-boards, sofas, secretaries, bureaus, desks, and gold and silver-ware; the law and medical libraries of all lawyers and physicians; and all capital employed in tanneries and distilleries, and in the vending of spirituous liquors."

A division of the question was called for by Mr. Kelso.

Mr. Chapman moved to re-commit said bill to a select committee with instructions to strike out the first section from the enacting clause, and insert the following:

"That all lands and town lots which is the property of any individual or individuals, body corporate or politic; also all mills and machineries, manufactories of iron, glass, wool, and cotton; all horses, mules, and asses over the age of three years; all neat cattle over the age of two years; hogs over the age of six months; all pleasuring carriages; silver, gold, and composition watches; brass clocks; all jewelry and silver plate; side-bureaus and sofas; all moneys loaned at interest by simple contract, note, bond, or mortgage; the capital of all merchants and exchange brokers employed in this state; all capital in public stocks, or the stocks of monied or other incorporations; all distilleries and breweries of strong beer and ardent spirits; all tan-yards and the stock therein employed; all medicines, books, groceries, trinkets, musical and scientific instruments kept for sale, shall be and the same are hereby declared to be subject to taxation, to be levied and collected agreeably to law;"

Which motion did not prevail.

The question recurred on the first branch of the amendment moved by Mr. Kilgore, to-wit, on striking out,
And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bell, Bennett, Bower, Bradbury, Brett, Carter of C., Chapman, Conwell, Cook, Culbertson, Curtis, Davis, Green, Hardesty, Hargrove, Harris, Henkle, Hoagland, Howard, Johnson of M., Johnston of F., Kilgore, Latshaw, Leslie, Lowe, Marshall, M'Calley, Mendenhall, Newman, Parks, Phelps, Puckett, Ray, Rockhill, Schooling, Shank, Smith of F., Stanford, Storm, Thompson, Wallace, and Wilson of H.
—44.

And those who voted in the negative are,

Messrs. Angle, Bigger, Brackenridge, Bryan, Carr, Crume, Curry, Evans, Gaddes, Hannaman, Howell, Kelso, Liston, Lockhart, M'Dougale, McIntire, Moore, Nave, Shaw, Smith of R., Stafford, Strain, Torbet, Vandever, Vawter, Walker, Willet, Wilson of P., Wilson of V., Woodruff, Wright, and Gregory, Speaker—32.

So the said words were stricken out as moved by Mr. Kilgore.

Mr. Smith of F. moved to amend the matter proposed to be inserted by making the age of horses taxable, two years, instead of three;

Which motion was decided in the negative.

Mr. Kelso moved to amend said amendment by including in the list the libraries of all persons, as well as the professional books of lawyers and physicians;

Which motion was lost.

Mr. Smith of R. moved to amend said amendment, by adding to the list of articles therein enumerated, the following: "and all other personal property at its value;"

Which motion did not prevail.

The question recurred on the second branch of the said motion of Mr. Kilgore to amend the bill,

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bennett, Bigger, Bower, Brackenridge, Bradbury, Brett, Bryan, Carr, Carter of C., Conwell, Cook, Curry, Curtis, Davis, Dunning, Evans, Gaddes, Green, Hannaman, Hardesty, Hargrove, Harris, Henkle, Hoagland, Howard, Johnson of M., Johnston of F., Kilgore, Latshaw, Liston, Lockhart, Lowe, Marshall, McCalley, McDougale, McIntire, Mendenhall, Moore, Nave, Newman, Parks, Phelps, Puckett, Ray, Rockhill, Schooling, Shank, Shaw, Smith of R., Stafford, Stanford, Storm, Strain, Vandever, Walker, Wallace, Willet, Wilson of H., Wilson of P., Wilson of V., and Woodruff—63.

And those who voted in the negative are,

Messrs. Bell, Crume, Culbertson, Howell, Kelso, Leslie, Smith of F., Thompson, Torbet, Vawter, and Gregory, Speaker—11.

So said amendment was adopted.

Mr. Bennett moved further to amend the bill, by striking out of the 1st section, these words "and all buildings and improvements erected thereon or affixed thereto."

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bell, Bennett, Bower, Bradbury, Cook, Crume, Culbertson, Curtis, Hardesty, Howard, Johnston of F., Leslie, Marshall, McCalley, Mendenhall, Parks, Phelps, Ray, Rockhill, Smith of F., Stanford, Thompson, Wallace, and Wilson of H.—25.

And those who voted in the negative are,

Messrs. Angle, Bigger, Brett, Bryan, Carr, Carter of C., Conwell, Curry, Davis, Dunning, Evans, Gaddes, Hannaman, Hargrove, Harris, Henkle, Hoagland, Howell, Johnson of M., Kelso, Kilgore, Latshaw, Liston, Lockhart, Lowe, McDougle, McIntire, Moore, Nave, Newman, Puckett, Schooling, Shank, Shaw, Smith of R., Stafford, Storm, Strain, Torbet, Vandever, Vawter, Walker, Willet, Wilson of P., Wilson of V., Woodruff, Wright, and Gregory, Speaker—48.

So said motion was decided in the negative.

On motion of Mr. Bigger, these words in the 6th section, to wit: "including household furniture over the value of one hundred and fifty dollars," were stricken out, and the following inserted in lieu thereof: "made subject to taxation." The blank in the 12th section was filled with the words "first Monday in May," and in the 17th section with the word "sixth."

On motion of Mr. Bigger, the 1st blank in the 22d section was filled with the word "May."

Mr. Bigger moved to fill the second blank in said section with the word "fourth."

Mr. Smith of F., proposed "fifth;"

Mr. Moore proposed "eighth."

The question was put on the word "fourth," and lost, and the word "fifth" was then agreed to.

On motion of Mr. Bigger, the blank in the 25th section was filled with "the first day of January," the blank in the 23d section with "the first Monday of January," and the blank in the 30th section with the "first day of February."

On motion of Mr. Bigger, after the word "mortgage," in the 6th section, the following words were inserted, to wit: "if a lawyer or physician, the value of his law or medical library."

Mr. Leslie moved to fix the poll tax for State purposes, named in the 27th section, at 50 cents."

"Thirty-seven and a half" and "twenty-five cents" were respectively proposed, and before a question was had thereon,

The House adjourned until to-morrow morning at 9 o'clock.

FRIDAY MORNING, JAN. 16, 1835.

The House met pursuant to adjournment.

A message from the Senate by Mr. Morris, their Secretary:

Mr. SPEAKER—

The Senate has passed an engrossed bill of the House [No. 183] entitled

"An act to incorporate the Salem and Ohio Turnpike Company," with amendments, in which the concurrence of the House of Representatives is requested.

The Senate has adopted the following resolution:

Resolved, That the Senate will (the House of Representatives concurring therein) adjourn *sine die*, on the 1st Monday of February next.

The several amendments made by the Senate to the bill of the House named in said message, were read and concurred in by the House.

Ordered, That the Clerk inform the Senate thereof.

Mr. Howell moved that the House reciprocate the resolution communicated by the Senate in said message.

Mr. Bell moved to lay that part of said message and the motion to reciprocate it, on the table,

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bigger, Bradbury, Brett, Carter of C., Chapman, Conwell, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Evans, Hannaman, Harris, Henkle, Howard, Johnson of M., Johnston of F., Kelso, Kilgore, Lockhart, Marshall, McDougale, McIntire, Moore, Newman, Puckett, Ray, Rockhill, Smith of F., Stafford, Stanford, Storm, Thompson, Torbet, Vawter, Walker, Wallace, Willet, Wilson of V., and Gregory, Speaker—44.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bower, Brackenridge, Bryan, Carr, Cook, Gaddess, Green, Hardesty, Hargrove, Hoagland, Howell, Latshaw, Leslie, Liston, Lowe, McCalley, Mendenhall, Nave, Parks,

Phelps, Schooling, Shank, Shaw, Smith of R., Strain, Vandever, Wilson of H., Wilson of P., Woodruff, and Wright—32.

So said motion passed in the affirmative.

Mr. Wallace presented a petition of John H. Taylor and others, praying a state road from a point on the Madison and Indianapolis state road in Lancaster township, in Jefferson county, to Richard Reddicks in Jackson county;

Which was read and referred to a select committee of Messrs. Wallace, Marshall, and Vawter.

Mr. McDougle presented a petition of James Gragg and others, praying that the town of Greenville, in Floyd county, be made a point in the turnpike road contemplated from Salem to New Albany.

Which was read and laid on the table.

Mr. Johnson of M. presented a petition of James Blake and Arthur St. Clair, praying a special act to enable them to make a purchase of certain parts of the Indianapolis donation, upon such terms as the Legislature may prescribe, accompanied by a chart and sundry certificates of owners of adjoining lands;

Which was read and referred to the committee on the affairs of the town of Indianapolis.

Mr. McDougle presented three several memorials of Jacob Harman and others, praying a reform in the economy of the Indiana college;

Which was read and referred to the committee of Education.

Mr. Willet presented a remonstrance of James M. Ross and others, citizens of the county of Rush, against the location of a State road from John Smelser's, to a certain point on the Greenfield State road;

Which was read and laid on the table.

Mr. Liston, after having obtained leave and a suspension of the orders of business for that purpose, presented a bill [No. 210] to appropriate certain monies out of the Three per cent. Fund, and for other purposes;

Which was twice read, (the rules of the House having first been dispensed with.) and,

On motion of Mr. Kelso,

Laid on the table.

Mr. Hardesty, from the committee of enrolled bills, reported, that they have compared the enrolled with the engrossed bill, entitled an act, as follows, to wit:

No. 189—an act to incorporate the Greencastle steam mill and manufacturing company—and find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry it to the Senate, for the signature of their President.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Chapman, after having obtained leave, moved the following resolution:

Resolved, That the Judiciary committee inquire into the expediency of having one copy of the acts of Congress of 1833 and 1834—which are now deposited in the Secretary's office—bound in one book, and for a sufficient number of them to be so bound as will furnish each county with two copies, (if so many there be,) one to be deposited in the clerk's office, and one in the county library, and report by bill or otherwise.

Which was read and adopted.

The House then proceeded to consider the orders of the day, and resumed the bill [No. 150] to provide for an equitable mode of levying the taxes of this State, pending when the House adjourned yesterday evening.

The question recurred,

On motion of Mr. Leslie,

To fill the blank before the provision for a State poll tax, with the number "fifty."

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bennett, Bower, Bradbury, Carr, Chapman, Conwell, Cook, Curtis, Hargrove, Johnston of F., Leslie, McCalley, Mendenhall, Newman, Phelps, Ray, Strain, and Wilson of H.—19.

And those who voted in the negative are,

Messrs. Angle, Bell, Bigger, Brackenridge, Brett, Bryan, Carter of C., Crume, Culbertson, Curry, Davis, Dunning, Evans, Gaddes, Green, Hannaman, Hardesty, Harris, Henkle, Hoagland, Howard, Howell, Johnson of M., Kelso, Latshaw, Liston, Lockhart, Marshall, McDougle, M'Intire, Moore, Nave, Parks, Puckett, Rockhill, Schooling, Shank, Shaw, Smith of F., Smith of R., Stanford, Storm, Thompson, Terbet, Vandever, Vawter, Walker, Wallace, Willet, Wilson of P., Wilson of V., Woodruff, Wright, and Gregory, speaker—54.

So said motion was decided in the negative.

The question was then put,

On filling the blank with "thirty-seven and a half."

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bell, Bennett, Bigger, Bower, Brackenridge, Bradbury, Brett, Carr, Carter of C., Conwell, Cook, Crume,

Culbertson, Curtis, Davis, Dunning, Gaddes, Green, Hardesty, Hargrove, Harris, Henkle, Hoagland, Howell, Johnson of M., Johnston of F., Latshaw, Leslie, Liston, Lockhart, Lowe, McCalley, McDougale, Mendenhall, Moore, Nave, Newman, Parks, Phelps, Ray, Shank, Smith of F., Smith of R., Stafford, Stanford, Storm, Strain, Torbet, Vandever, Vawter, Walker, Wallace, Wilson of H., Wilson of P., and Wright—57.

And those who voted in the negative are,

Messrs. Bryan, Curry, Evans, Hannaman, Howard, Kelso, Kilgore, Marshall, M'Intire, Puckett, Rockhill, Schooling, Shaw, Thompson, Willet, Wilson of V., Woodruff, and Gregory, speaker—18.

So said blank was filled with the words "thirty-seven and a half."

Mr. Evans moved to strike out the section authorizing the assessment of a poll tax.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bryan, Chapman, Evans, Kelso, Kilgore, Marshall, M'Intire, Rockhill, Schooling, Shaw, Wilson of V., and Gregory, speaker—12.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bell, Bennett, Bigger, Bower, Brackenridge, Bradbury, Brett, Carr, Carter of C., Conwell, Cook, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Gaddes, Green, Hannaman, Hardesty, Hargrove, Harris, Henkle, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Latshaw, Leslie, Liston, Lockhart, McCalley, McDougale, Mendenhall, Moore, Nave, Newman, Parks, Phelps, Puckett, Ray, Shank, Smith of F., Smith of R., Stanford, Storm, Strain, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Willet, Wilson of H., Wilson of P., Woodruff, and Wright—62.

So said motion was decided in the negative.

On motion of Mr. Bigger,

The following words in the 2d section were stricken out, to wit:—"and all property exempt by law from execution."

Mr. Shaw moved to extend the exemption from taxation, given in the second section to the poll, and personal property of revolutionary soldiers, to their real estate also.

Mr. Leslie proposed to restrict such exemption to eighty acres of land.

Which was accepted by Mr. Shaw as a modification of his motion.

And on the question,

Shall said amendment as modified, be adopted?

The ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bell, Bower, Brackenridge, Brett, Carter of C.,

Culbertson, Curry, Curtis, Davis, Dunning, Evans, Green, Hannaman, Hardesty, Henkle, Hoagland, Howard, Howell, Johnston of F., Kilgore, Latshaw, Leslie, Lockhart, Lowe, Marshall, McCalley, McIntire, Nave, Puckett, Rockhill, Schooling, Shank, Shaw, Smith of R., Stanford, Strain, Torbet, Vandever, Walker, Wilson of H., Wilson of P., Wilson of V., Wright and Gregory, Speaker—45.

And those who voted in the negative are,

Messrs. Angle, Bennett, Bigger, Bradbury, Bryan, Carr, Conwell, Cook, Crume, Gaddes, Hargrove, Harris, Johnson of M., Kelso, Liston, McDougle, Mendenhall, Moore, Newman, Parks, Phelps, Ray, Smith of F., Storm, Thompson, Vawter, Wallace, Willet, and Woodruff—30.

So said amendment was adopted.

Mr. Bryan moved to fill the blank in reference to the maximum of a county poll tax, with "twelve and a half cents," twenty-five, thirty-seven and a half, and fifty cents, were respectively proposed,

And on the question to fill with the number "fifty,"

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bennett, Brackenridge, Carter of C., Conwell, Cook, Green, Hargrove, Henkle, Howell, Johnston of F., Leslie, Lockhart, Marshall, Mendenhall, Moore, Parks, Phelps, Rockhill, Shaw, Thompson, Vawter, Wallace, Willet, Wilson of H., and Wright—25.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bell, Bigger, Bower, Bradbury, Brett, Bryan, Carr, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Evans, Gaddes, Hannaman, Hardesty, Harris, Hoagland, Howard, Johnson of M., Kelso, Kilgore, Latshaw, Liston, Lowe, McCalley, McDougle, McIntire, Nave, Newman, Puckett, Ray, Schooling, Shank, Smith of F., Smith of R., Stafford, Stanford, Storm, Strain, Torbet, Vandever, Walker, Wilson of P., Wilson of V., Woodruff, and Gregory, Speaker—50.

So the House refused to fill the blank with the number "fifty."

The question was then put, on the proposition to fill the blank with "thirty-seven and a half,"

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bennett, Bigger, Brackenridge, Carr, Carter of C., Chapman, Conwell, Cook, Curry, Gaddes, Hardesty, Hargrove, Henkle, Hoagland, Howell, Johnson of M., Johnston of F., Leslie, Liston, Marshall, McDougle, Mendenhall, Moore, Nave, Parks, Phelps, Puckett, Shank, Shaw, Stafford, Storm, Strain, Thompson, Vandever,

Vawter, Walker, Wallace, Willett, Wilson of H., Wilson of V., Woodruff and Wright—44.

And those who voted in the negative are

Messrs. Armstrong, Bower, Bradbury, Brett, Bryan, Crume, Culbertson, Curtis, Davis, Dunning, Evans, Green, Hannaman, Harris, Howard, Kelso, Kilgore, Lockhart, Lowe, McCalley, McIntire, Newman, Ray, Rockhill, Schooling, Smith of F., Smith of R., Stanford, Torbet, Wilson of P., and Gregory, Speaker—32.

So said blank was filled with "thirty-seven and a half."

Mr. Kelso moved to strike out so much of said section as authorizes a poll tax for county purposes.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bell, Bower, Bradbury, Brett, Bryan, Culbertson, Curry, Curtis, Davis, Evans, Green, Hannaman, Henkle, Kelso, Lockhart, M'Calley, McIntire, Newman, Ray, Schooling, Stanford, and Gregory, Speaker—23.

And those who voted in the negative are,

Messrs. Angle, Bennett, Bigger, Brackenridge, Carr, Carter of C., Chapman, Conwell, Cook, Crume, Dunning, Gaddes, Hardesty, Hargrove, Harris, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Kilgore, Latshaw, Leslie, Liston, Marshall, McDougle, Mendenhall, Moore, Nave, Parks, Phelps, Puckett, Rockhill, Shank, Shaw, Smith of F., Smith of R., Stafford, Storm, Strain, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Willett, Wilson of H., Wilson of P., Wilson of V., Woodruff, and Wright—52.

So said motion did not prevail.

On motion of Mr. Bigger,

The vote on concurring in the third amendment reported by the committee of the whole, was re-considered.

The said amendment was thereupon amended by striking out these words: "including household furniture over the value of one hundred and fifty dollars," and by inserting in lieu thereof these words: "subject to taxation."

And as amended, was agreed to by the House.

On motion of Mr. Bigger,

The forms in the 29th section were amended by adding two columns; one for the "value of law libraries," and one for the "value of physicians' libraries."

Mr. Hargrove moved to amend the second section by adding to the list of articles exempt from taxation the following: "and all the personal property of a widow and orphan children if it does not exceed \$200 in value."

Mr. Wallace moved to add to said amendment this proviso: "provided she does not hold real estate;"

Which motion did not prevail.

The amendment moved by Mr. Hargrove was then adopted.

Mr. Leslie moved to strike out that clause of the bill which authorizes the assessor to administer to persons an oath as to the amount of their taxable property;

Which motion did not prevail.

Mr. Crume moved to add to the first section the following proviso:

"Provided that no building of less value than two hundred dollars shall be liable to taxation."

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bell, Bower, Brett, Chapman, Crume, Culbertson, Curry, Curtis, Davis, Green, Hardesty, Harris, Henkle, Hoagland, Johnston of F., Leslie, Liston, Marshall, M'Calley, Parks, Phelps, Rockhill, Schooling, Shank, Shaw, Smith of F., Stafford, Stanford, Thompson, Wallace, Wilson of H., and Woodruff—33.

And those who voted in the negative are,

Messrs. Angle, Bennett, Bigger, Brackenridge, Bradbury, Bryan, Carter of C., Conwell, Cook, Dunning, Evans, Gaddes, Hannaman, Hargrove, Howard, Howell, Johnson of M., Kelso, Kilgore, Latshaw, Lockhart, Lowe, McDougle, McIntire, Mendenhall, Moore, Nave, Newman, Puckett, Ray, Smith of R., Storm, Strain, Torbet, Vandever, Vawter, Walker, Willet, Wilson of P., Wilson of V., Wright, and Gregory, Speaker—42.

So said motion was decided in the negative.

On motion of Mr. Vawter,

The 23d section was amended by striking out these words: "and make return thereof with his proceedings thereon to said clerk on or before the first Monday of January next ensuing the date thereof," and by inserting in lieu thereof the following:

"And shall pay over into the State treasury all State revenue on or before the second Monday in December in every year; and all county funds collected for county purposes into the county treasury on or before the first Monday in March in every year."

Mr. Davis moved to strike out so much of the bill as provides for the appointment of assessors by the county board, and to insert in lieu thereof the following:

"It shall be the duty of the people at their spring elections annually to elect some person in each township in their respective counties as an assessor of such township, whose duty it shall be within ten days after his election;"

Which motion was decided in the negative.

On motion of the Speaker, (Mr. Evans at the time occupying the chair,)

The list of taxable articles was extended so as to include "all carding machines, and machinery employed in any kind of Manufacture whatever."

Mr. Bennett moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being requested by two members:

Those who voted in the affirmative are,

Messrs. Armstrong, Bennett, Bower, Bradbury, Conwell, Cook, Crume, Curtis, Green, Harris, Howard, Johnston of F., Leslie, Marshall, M'Calley, Mendenhall, Parks, Phelps, Ray, Rockhill, Smith of F., Thompson, Wallace, and Wilson of H.—24.

And those who voted in the negative are,

Messrs. Angle, Bell, Bigger, Brackenridge, Brett, Bryan, Carr, Carter of C., Chapman, Culbertson, Curry, Davis, Dunning, Evans, Gaddes, Hannaman, Hargrove, Henkle, Hoagland, Howell, Johnson of M., Kelso, Kilgore, Latshaw, Liston, Lowe, M'Dougle, McIntire, Moore, Nave, Newman, Puckett, Schooling, Shank, Smith of R., Stafford, Stanford, Storm, Strain, Torbet, Vandever, Vawter, Walker, Willet, Wilson of P., Wilson of V., Woodruff, Wright, and Gregory, Speaker—50.

So said motion was decided in the negative.

Mr. Vawter moved to add to the 6th section the following proviso:

Provided that all persons when giving in their property, monies at interest, by notes, bonds, bills, and mortgages, shall have the right to deduct from the gross sum with which he, she, or they may be charged, the gross sum he, she, or they may be owing by note, bonds, bills, or mortgage, when the same is at interest."

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bell, Bennett, Bower, Bradbury, Brett, Carter of C., Conwell, Culbertson, Curtis, Dunning, Gaddes, Green, Hargety, Harris, Henkle, Howard, Kelso, Kilgore, Leslie, Lowe, Marshall, M'Calley, McIntire, Mendenhall, Newman, Phelps, Ray, Rockhill, Schooling, Smith of F., Smith of R., Stafford, Stanford, Thompson, Torbet, Vawter, Walker, Wallace, and Wilson of H.—41.

And those who voted in the negative are,

Messrs. Bigger, Brackenridge, Bryan, Carr, Chapman, Cook, Crume, Curry, Davis, Evans, Hannaman, Hargrove, Hoagland, Howell, Johnson of M., Johnston of F., Latshaw, Liston, Lockhart, M'Dougle, Moore, Nave, Parks, Puckett, Shank, Storm, Strain, Vandever, Willet, Wil-

son of P., Wilson of V., Woodruff, Wright, and Gregory, Speaker—34.

So said motion passed in the affirmative.

Whereupon, Mr. Smith of R., moved to re-considered the said vote;
And on that question,

The ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bigger, Brackenridge, Brett, Bryan, Carr, Chapman, Cook, Crume, Curry, Davis, Dunning, Evans, Gaddes, Hannaman, Hargrove, Henkle, Hoagland, Howell, Johnson of M., Johnston of F., Kelso, Kilgore, Latshaw, Liston, Lockhart, Lowe, McDougle, McIntire, Moore, Nave, Parks, Puckett, Schooling, Shank, Smith of R., Storm, Strain, Torbet, Vandever, Walker, Willet, Wilson of P., Wilson of V., Woodruff, Wright, and Gregory, Speaker—46.

And those who voted in the negative are,

Messrs. Armstrong, Bell, Bennett, Bower, Bradbury, Carter of C., Conwell, Curtis, Green, Hardesty, Harris, Howard, Leslie, Marshall, M'Calley, Mendenhall, Newman, Phelps, Ray, Rockhill, Shaw, Smith of F., Stafford, Stanford, Thompson, Vawter, Wallace, and Wilson of H.—28.

So said vote was re-considered.

The question recurring on the amendment moved by Mr. Vawter, and debate arising thereon,

Mr. Kilgore called for the previous question, which was seconded by two members, and was thereupon put, to-wit:

Shall the main question be now put?

And on said previous question,

The ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bigger, Brackenridge, Brett, Bryan, Carr, Chapman, Cook, Curry, Davis, Evans, Gaddes, Hannaman, Hardesty, Hargrove, Henkle, Hoagland, Howell, Johnson of M., Kelso, Kilgore, Lockhart, Lowe, McDougle, McIntire, Moore, Nave, Puckett, Schooling, Shank, Smith of R., Stafford, Stanford, Storm, Strain, Torbet, Vandever, Walker, Willett, Wilson of P., Wilson of V., Woodruff, Wright, and Gregory, Speaker—44.

And those who voted in the negative are,

Messrs. Armstrong, Bell, Bennett, Bower, Bradbury, Carter of C., Conwell, Crume, Culbertson, Curtis, Dunning, Green, Harris, Howard, Johnston of F., Latshaw, Leslie, Liston, Marshall, McCalley, Mendenhall, Newman, Parks, Phelps, Ray, Rockhill, Shaw, Smith of F., Thompson, Vawter, Wallace, and Wilson of H.—32.

So said previous question passed in the affirmative.

The said main question was thereupon put, to wit:

Shall the bill be engrossed and read a third time to-morrow?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bigger, Brackenridge, Brett, Bryan, Carr, Chapman, Cook, Culbertson, Curry, Curtis, Davis, Evans, Gaddes, Hannaman, Hargrove, Henkle, Hoagland, Howell, Johnson of M., Kelso, Kilgore, Lockhart, Lowe, McDougle, McIntire, Moore, Nave, Puckett, Schooling, Shank, Smith of R., Stafford, Storm, Strain, Torbet, Vandever, Walker, Willett, Wilson of P., Wilson of V., Woodruff, Wright, and Gregory, Speaker—44.

And those who voted in the negative are,

Messrs. Armstrong, Bell, Bennett, Bower, Bradbury, Carter of C., Conwell, Crume, Dunning, Green, Hardesty, Harris, Howard, Johnston of F., Latshaw, Leslie, Liston, Marshall, McCalley, Mendenhall, Newman, Parks, Phelps, Ray, Rockhill, Shaw, Smith of F., Stanford, Thompson, Vawter, Wallace, and Wilson of H.,—32.

So it was ordered that said bill be engrossed and read a third time to-morrow.

Mr. Howell, from the Joint Committee on Enrolled Bills, reported that they did on this day present to his Excellency the Governor, for his approval and signature, bills which originated in the Senate, entitled as follows, to wit:

(No. 7) An act to locate a State Road from Decatur county to the National Road in Henry county;

(No. 75) An act supplemental to an act entitled an act legalizing the election of Probate Judges.

And bills, which originated in the House of Representatives, of the following titles, to wit:

(No. 39) An act appropriating certain monies to the incorporation of the town of Crawfordsville to purposes of building a market-house and improving the streets of said town;

(No. 40) An act to established a State Road from Petersburg, in Pike county, to Arlington via Bruceville;

(No. 72) An act to transfer the appropriation of certain monies therein named;

(No. 101) An act to establish a State Road in Delaware county; and

(No. 138) An act changing the time of holding the Probate Court in the county of Pike.

Mr. Hardesty, from the Committee on Enrolled bills, reported that they did on this day present to the Governor, for his approval and signature, an act to incorporate the Greencastle Steam Mill and Manufacturing Company, which originated in the House of Representatives.

And then the House adjourned until to-morrow morning at 9 o'clock.

SATURDAY MORNING, JAN. 17, 1835.

The House met pursuant to adjournment.

On motion of Mr. Lowe the several orders of the day which precede the engrossed bill of the Senate (No. 12) to change the times of holding the Circuit Court in the counties of Vermillion and Parke, were for the present postponed, and the House proceeded to consider the same.

Said bill was read the second time, when,

On motion of Mr. Lowe, said bill was amended by striking out the word "August" after "Vermillion," in the last section, and inserting in lieu thereof "September."

On motion of Mr. Phelps said bill was further amended by striking out of the last section the words "Indiana Journal."

Said bill was then read the third time and passed.

Ordered, That the Clerk inform the Senate thereof and ask their concurrence in the amendments made by the House to said bill.

Mr. Smith of F., after having obtained leave, presented a bill (No. 211) for the relief of Benjamin Bove Martillo Remington and the estate of Barnabas Crosby;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

On motion of Mr. Stanford the several previous orders of business were postponed for two hours, for the introduction of bills.

Mr. Kelso presented a bill (No. 212) to amend an act entitled an act to incorporate the Lawrenceburgh and Indianapolis Rail Road Company, approved Feb. 2d, 1832;

Which was twice read, (the rules of the House having first been dispensed with) and laid on the table.

Mr. Chapman presented a bill (No. 213) to re-locate a part of the State Road leading from Logansport to Pigeon Prairie, in Michigan Territory;

Which was read the first time and passed to a second reading.

Mr. Hannaman presented a bill (No. 214) to attach a part of township 19 N. R. 4 E. to township 19 N. R. 5 E., and for other purposes;

Which was read the first time and passed to a second reading.

Mr. McCalley presented a bill (No. 215) to amend an act entitled an act regulating the fees and salaries of the several officers therein named, approved Feb. 7th, 1831, also an act approved Feb. 1st, 1834;

Which was read the first time and passed to a second reading.

Mr. Harris presented a bill (No. 216) relative to the jurisdiction of justices of the peace in Clay county;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Stanford presented a bill (No. 217) to amend an act entitled an act incorporating Congressional townships and providing for public schools therein;

Which was twice read, (the rules of the House having first been dispensed with.)

On motion of Mr. Dunning said bill was amended by adding the following as an addition section:

Sec. "That the school commissioner of each and every county shall, on the first Mondays of March and September, make a calculation of the amount of interest accruing upon the moneys in his hands, and pay the same over to the persons legally entitled to the same, under the same rules and restrictions as are required of him by the act to which this act is amendatory."

It was then ordered that said bill be engrossed and read a third time on Monday next.

Mr. Marshall presented a bill [No. 218] declaring a certain act therein named, in force, and for other purposes;

Which was twice read, (the rules of the House having first been dispensed with,) and ordered to be engrossed and read a third time on Monday next.

Mr. Brackenridge presented a bill [No. 219] to empower the board of commissioners of Vanderburgh county to convey certain property therein named;

Which was read the first time and passed to a second reading.

Mr. Brett presented a bill [No. 220] to amend an act entitled an act regulating the duties of justices of the peace, approved Feb. 10, 1831;

Which was read the first time and passed to a second reading.

Mr. Bradbury presented a bill [No. 221] to incorporate the Wayne and Union turnpike company, and Centreville turnpike company;

Which was read the first time and passed to a second reading.

Mr. Curry presented a bill [No. 222] to locate and establish a State road from Michigan town in Clinton county, to Andersontown, in Madison county;

Which was twice read (the rules of the House having first been dispensed with,) and ordered to be engrossed and read a third time on Monday next.

Mr. Hannaman presented a bill [No. 223] to establish the name of Jefferson Nelson Redman and family;

Which was twice read (the rules of the House having first been dispensed with,) and ordered to be engrossed and read a third time on Monday next.

A message from the Governor by Mr. Ketcham, his private secretary:

MR. SPEAKER,

I am directed by his Excellency the Governor, to inform the House of Representatives that the act and memorial entitled as follows, were approved on the 16th inst.:

"An act [No. 64] incorporating the Carlisle school society," which originated in the Senate;

"A memorial [No. 86] and joint resolution of the General Assembly of the State of Indiana, soliciting aid to improve the great northern chain of communication from the Maumee bay, in Ohio, to the Rapids of the Illinois river,"—which originated in the House of Representatives;

And, that the acts entitled as follows, which originated in the House of Representatives, were approved on the 17th inst.:

An act [No. 39] appropriating certain moneys accruing to the incorporation of the town of Crawfordville, to the purposes of building a market-house, and improving the streets of said town;

An act [No. 40] to establish a State road from Petersburg, in Pike county, to Carlisle, via Bruceville, &c.;

An act [No. 72] to transfer the appropriations of certain moneys therein named;

An act [No. 101] to establish a State road in Dearborn county;

An act [No. 189] to incorporate the Green-castle steam mill and manufacturing company—and also the acts entitled as follows, which originated in the Senate:

An act [No. 7] to locate a State road from Decatur county, to the National road, in Henry county;

An act [No. 75] supplemental to an act entitled "An act legalizing the election of probate judges.

All of which have been filed in the Secretary's office.

Mr. Smith of F., presented a bill [No. 224] to provide for the Wabash and Erie canal, and for the commencement of a general system of internal improvement in Indiana;

Which was read the first time—when,

Mr. Chapman moved that the rules of the House be dispensed with, and that said bill be read the second time now.

The ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bigger, Bradbury, Chapman, Conwell, Crume, Curry, Curtis, Davis, Dunning, Hannaman, Hardesty, Henkle, Johnston of F., Kilgore, Liston, Lockhart, Marshall, Moore, Newman, Parks, Puckett, Ray, Smith of F., Stafford, Stanford, Storm Thompson, Vawter, Wallace, Willet, and Woodruff—33.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bower, Brackenridge, Brett, Bryan, Carr, Carter of C., Cook, Culbertson, Gaddes, Green, Hargrove, Harris, Hoagland, Howard, Howell, Johnson of M., Latshaw, Leslie, Lowe, McCalley, McDougle, M'Intire, Mendenhall, Phelps, Rockhill, Schooling, Shank, Shaw, Smith of R., Strain, Torbet, Vandever, Walker,

Wilson of H., Wilson of P., Wilson of V., Wright, and Gregory, speaker—40.

So said motion was decided in the negative.

Mr. Smith of R., moved that 500 copies of said bill be printed, for the use of the members of this House;

And before any question was had thereon,
The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Crume, after having obtained leave, moved the following resolution:

Which was read and adopted unanimously.

Resolved, That the committee of ways and means be directed to allow Daniel Peria, the sum of seventeen dollars, for his services in transporting the Hon. S. B. A. Carter, a member of this House, from this place to his residence, he being unable to ride on horse-back, from sickness and disease contracted here.

Mr. Chapman, on leave being granted him, moved the following resolution:

Which was read and adopted.

Resolved, That the Judiciary committee inquire what additional number of copies of the Revised Code will be necessary for the use of the officers of Lagrange county, and report to this House such information as they may be able to obtain on the subject.

On motion of Mr. Lockhart, the several orders of the day which precede the joint resolution (No. 89) on the subject of granting certain lands to widows, were for the present postponed, and the House proceeded to consider the same.

Said joint resolution was then read a second time.

On motion of Mr. Vawter,

Said joint resolution was amended by striking out the word "poor," before the word "widow."

Mr. Smith of F., moved further to amend the same, by striking out the word "instructed," after the word "Senators," and inserting in lieu thereof, the word "requested."

Which motion did not prevail.

On motion of Mr. Howell,

Said joint resolution was further amended, by striking out "forty," before the word "acres," and inserting in lieu thereof, "eighty."

Said joint resolution was then read the third time.

And on the question, shall it pass?

The ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bell, Brett, Carter of C., Chapman, Conwell, Crume, Culbertson, Curry, Davis, Dunning, Gaddes, Hannaman, Har-

grove, Harris, Henkle, Hoagland, Howard, Howell, Johnston of F., Kilgore, Latshaw, Leslie, Liston, Lockhart, Marshall, McCalley, McDougle, Mendenhall, Moore, Parks, Phelps, Puckett, Rockhill, Shank, Shaw, Smith of R., Stafford, Storm, Strain, Thompson, Torbet, Vandever, Walker, Wilson of P., Wilson of V., Woodruff, Wright, and Gregory, Speaker—49.

And those who voted in the negative are,

Messrs. Angle, Bell, Bennett, Bigger, Brackenridge, Bradbury, Bryan, Carr, Cook, Curtis, Evans, Green, Hardesty, Johnson of M., Kelso, Lowe, McIntire, Nave, Newman, Ray, Schooling, Smith of F., Vawter, Willet, and Wilson of H.—26.

So said joint resolution passed.

Ordered, That the Clerk carry it to the Senate and ask their concurrence.

The House then proceeded to consider the orders of the day.

The bill [No. 150] to provide for a more equitable mode of levying the taxes of this State,

Was read the third time, when,

Mr. Henkle moved to recommit said bill to a select committee, with instructions to amend it as follows:

“That every person being assessed with money loaned at interest, may be permitted to deduct from such money so loaned at interest, the amount on which he may at that time be paying interest.”

And the ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bell, Bennett, Bower, Bradbury, Brett, Conwell, Curtis, Davis, Dunning, Henkle, Howard, Leslie, Liston, Marshall, McCalley, Mendenhall, Newman, Parks, Phelps, Ray, Smith of F., Stanford, Thompson, Vawter, and Wilson of H.,—26.

And those who voted in the negative are,

Messrs. Angle, Bigger, Brackenridge, Bryan, Carr, Carter of C., Chapman, Cook, Crume, Culbertson, Curry, Evans, Gaddes, Hannaman, Hardesty, Hargrove, Harris, Hoagland, Howell, Johnson of M., Johnston of F., Kelso, Kilgore, Latshaw, Lockhart, Lowe, McDougle, McIntire, Moore, Nave, Puckett, Rockhill, Schooling, Shank, Shaw, Stafford, Storm, Strain, Torbet, Vandever, Walker, Willet, Wilson of P., Wilson of V., Woodruff, Wright, and Gregory, Speaker—47.

So said motion was decided in the negative.

The question was then put, shall said bill pass?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bigger, Brackenridge, Bryan, Carr, Chapman, Curry, Davis, Dunning, Evans, Gaddes, Hannaman, Hargrove, Henkle,

Hoagland, Howell, Johnson of M., Kelso, Kilgore, Latshaw, Lockhart, Lowe, McDougle, McIntire, Moore, Nave, Puckett, Schooling, Shank, Smith of R., Stafford, Storm, Strain, Torbet, Vandever, Walker, Willet, Wilson of P., Wilson of V., Woodruff, Wright, and Gregory, Speaker—42.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bower, Bradbury, Brett, Carter of C., Conwell, Cook, Crume, Culbertson, Curtis, Green, Hardesty, Harris, Howard, Johnson of F., Leslie, Liston, Marshall, McCalley, Mendenhall, Newman, Parks, Phelps, Ray, Rockhill, Shaw, Smith of F., Stanford, Thompson, Vawter, Wallace, and Wilson of H.,—33.

So said bill passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate has passed engrossed bills of the House, entitled acts as follows:

No. 90—An act to abolish the office of Agent of the Three Per Cent. Fund, and

No. 188—An act to locate a certain state road therein named, with amendments to each;

In which amendments the concurrence of the House of Representatives is requested.

The amendments made by the Senate to the bills of the House named in said message, were severally read and concurred in by the House.

Ordered, That the Clerk inform the Senate thereof.

And then the House adjourned until Monday morning at 9 o'clock.

MONDAY MORNING, JAN. 19, 1835.

The House met pursuant to adjournment,

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate concur in the amendments proposed by the House of Representatives to the engrossed bill of the Senate (No. 12) to change the time of holding the Circuit Court in the counties of Vermillion and Parke.

Mr. Crume, after having obtained leave, presented

A bill (No. 225) to give the Circuit Court of Fayette county, jurisdiction in a certain case, accompanied by a petition of Lucy Graves, praying to be divorced from her husband Bales Graves.

Said bill was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Gaddes presented a certificate of the Clerk of the Circuit Court of Putnam county, setting forth the amount due David Rudisell, Collector of said county, for a delinquent list for the year 1833, together with the certificate of the Auditor of Public Accounts, on the same subject;

Which was read and referred to the Committee on Claims.

Mr. Carter of C., presented a petition of George Bozarth and others, citizens of the unorganized territory north of Cass county, praying the formation of a new county;

Which was read and referred to a select committee of Messrs. Carter of C., Angle, Evans, Henkle, and Liston.

Mr. Bell presented a petition of Richard K. Jones, and Elizabeth A. Jones and others, praying that the bands of Matrimony be dissolved existing between the said Richard and Elizabeth;

Which was read and referred to the Committee on the Judiciary.

Mr. Rockhill presented a petition of Thomas Ruble and others praying a state road from Manheim in Allen county, to the Ohio State line near Wilshire;

Which was read and referred to a select committee of Messrs. Rockhill, Curtis, Kilgore, Liston, and Chapman.

Mr. Cook presented a petition of Martin Houser and others, praying an appropriation, to be applied on the state road leading from Shelbyville to Scipio;

Which was read and referred to the committee on roads.

Mr. Hargrove presented the account of Wm. Quarles for examining the Insurance Offices located at New Albany, Jeffersonville, Madison, and Lawrenceburgh, and the account of David M'Donald for examining the offices of the Vincennes and Terre Haute Insurance Companies;

Which were read and referred to the committee on Claims.

Mr. Armstrong presented an account of James Kiegwin against the state for sundry books furnished for the use of State Prison and prisoners, &c.;

Which was read and referred to the committee on Claims.

Mr. McDougle presented a petition of W. Carter and others, free persons of color, citizens of the town of New-Albany, and sundry other persons citizens of said town, praying the passage of a law to prohibit slaves from giving testimony against free people of color in this state;

Which was read and referred to the committee on the Judiciary.

Mr. Evans presented a petition of Thomas O'Neal and others, praying a state road from the town of Independence in Warren county, to intersect the state road leading from Lafayette to Chicago at Big Pine creek;

Which was read and referred to a select committee of Messrs. Evans, Angle, and Davis.

Mr. Bower presented a petition of John C. Parker and others, citizens of Clark county, praying the incorporation of a company to construct a rail road from Charlestown to the Ohio river;

Which was read and referred to a select committee of Messrs. Bower, Armstrong, M'Calley, Strain, and Lockhart.

On motion of Mr. Evans,

The vote heretofore taken, referring sundry petitions praying the improvement of the Muscatituck river to the committee on Canals and Internal Improvements, was reconsidered; and the motion for such reference being withdrawn,

They were referred to the committee on Roads.

Mr. Stafford presented a remonstrance of William Boles and others, citizens of Morgan county, against a petition praying the formation of a new county;

Which was read and referred to the same select committee to which was heretofore referred the petition last above named.

Mr. Carr presented a petition of Joseph S. Tamer and others, praying a repeal of the 5th section of an act concerning taverns and groceries, approved Feb. 3, 1832;

Which was read and referred to the committee on the Judiciary.

On motion of Mr. Moore,

The petition of Jesse Roark and others, praying a review of part of the state road leading from James Harrah's, in Owen county, to a certain point on the Eel river and Terre Haute state road, heretofore presented and laid on the table on the 3d instant, was taken up and referred to a select committee of Messrs. Moore, Dunning, and Thompson.

Mr. Shaw moved that the several orders of the day be for the present postponed, for the purpose of taking from the table the resolution of the Senate fixing on Monday the 2d day of February next, as the day for adjourning *sine die*.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bennett, Bower, Brackenridge, Brett, Bryan, Carr, Cook, Culbertson, Gaddes, Hardesty, Hargrove, Hoagland, Howard, Howell, Latshaw, Leslie, Liston, Lowe, M'Calley, Mendenhall, Parks, Phelps, Puckett, Shank, Shaw, Smith of R., Wilson of H., Woodruff, and Wright—30.

And those who voted in the negative are,

Messrs. Angle, Bell, Bigger, Bradbury, Carter of C., Chapman, Conwell, Crume, Curry, Curtis, Davis, Dunning, Evans, Green, Hannaman, Harris, Henkle, Johnson of M., Johnston of F., Kelso, Kilgore, Lockhart, Marshall, McDougale, McIntire, Moore, Nave, Newman, Ray, Rockbill, Schooling, Smith of F., Stafford, Stanford, Storm, Strain, Thompson, Torbet, Vandever, Vawter, Walker, Willet, Wilson of P., Wilson of V., and Gregory, Speaker—45.

So said motion was decided in the negative.

Mr. Green presented a petition of Clement Whiting and others, citizens of the counties of Posey and Vanderburgh, praying that the county road leading from Cynthiana, in Posey county, to a point on the state road about six miles from Evansville, may be declared a state road;

Which was read and referred to a select committee of Messrs. Green, Howell, and Hargrove.

Mr. Carter of C. made the following report:

The committee of Ways and Means, to whom was referred a memorial of the Legislature of the State of Illinois to the Congress of the United States, on the subject of establishing national hospitals on the Mississippi and its tributaries, and on the northern lakes, have had the same under consideration and report, that the committee fully and freely accord with the views and opinions expressed in the memorial—that the establishment of a suitable number of hospitals at proper points on our western waters, under such regulations as Congress in their wisdom may prescribe, is an object of great importance to the western states; and would be of great national utility, tending to alleviate the sufferings, and contribute to the wants of thousand who navigate our western waters: who, by reason of sickness and misfortune, are rendered proper objects of public beneficence—and that the erection of such receptacles for the sick and indigent, who are cast upon the private charity of our citizens in great numbers, is imperiously called for by the necessities of the country. The attention of Congress was respectfully directed to that subject by a joint memorial of the last General Assembly of this state; and although the committee feel a deep interest in the accomplishment of that desirable object, yet they are of opinion that to urge the consideration of it annually upon the Congress of the United States would be productive of no beneficial action on the subject by that body. The committee have therefore directed me to report that, in their opinion, legislation on that subject at this time is inexpedient;

Which was read, and,

On motion of Mr. Willet, re-committed to a select committee with instructions to report a memorial to the Congress of the United States relative to public Hospitals on the western lakes and rivers.

Ordered, That Messrs. Willet, Carter of C., and Rockhill be that committee.

Mr. Dunning made the following report:

The committee on Education, to whom was referred the petition of John Umstadt and others, praying a repeal of the whole school law, have had that subject under consideration, and have directed me to report that legislation upon the same at this time is inexpedient, and ask to be discharged from any further consideration thereof;

Which was read and concurred in.

Mr. Stanford made the following report:

The committee on the affairs of the town of Indianapolis, to which was referred a resolution of this House relative to the sale of the Governor's circle and house, and other donation lands, have had that sub-

ject under consideration, and have directed me to report that it is inexpedient to legislate on that subject at this time.

The committee further report that they have had under consideration, a bill of this House relative to an increase of the perquisites of the agent of State for the town of Indianapolis, and are of opinion that the present salary of said officer is fully ample for the services required of him.

The committee further report that they have had under consideration, resolution No. 27, requesting an inquiry relative to the value of the unsold land and lots in the town of Indianapolis, and have directed me to make the following report:

That the following are the unsold lots in the town to which I have affixed their probable value—

The hospital square, No. 22, at	- - - - -	\$ 400
The university square, No. 25, at	- - - - -	800
The 27 acres reservation, No. 147, at	- - - - -	2,500
The block of lots north of State-house, No. 48, at	- - - - -	2,500
The two lots near the Governor's circle, 7 and 8, in 46, at	- - - - -	400
The one lot east of State-house, 10 in No. 54, at	- - - - -	500
The two ferry lots—147 east river, and one west, at	- - - - -	100
Total,		<u>\$7,200</u>

The first branch of said report was read and concurred in.

The bill accompanying said report, entitled a bill [No. 50] to amend an act entitled an act supplemental to an act to authorize the agent of State for the town of Indianapolis to lay off the land belonging to the State, and offer the same for sale, approved Feb. 9, 1831, the said supplemental act, approved Feb. 2, 1833—was,

On motion of Mr. Stanford,

Laid on the table.

Mr. Johnson of M., from the committee on the affairs of the town of Indianapolis, to which was referred the petition of James Blake, &c. on that subject reported a bill [No. 226] to provide for the sale of certain lands on the donation adjoining Indianapolis;

Which was twice read (the rules of the House having first been dispensed with,) when,

Mr. Crume moved to postpone the further consideration thereof, indefinitely;

And before the question was had thereon, it was,

On motion of Mr. Vawter,

Ordered, That said bill do lie on the table.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Carter of C., from the committee on canals and internal im-

provements, to which was referred a petition on that subject, after having obtained leave, reported a bill [No. 227] concerning the Wabash and Erie canal lands;

Which was twice read, (the rules of the House having first been dispensed with,) and,

Ordered to be engrossed and read a third time to-morrow.

The House then proceeded to consider the orders of the day.

Engrossed bills of the following titles, to wit:

A bill [No. 217] to amend an act entitled an act incorporating Congressional townships, and providing for public schools therein;

A bill [No. 223] to establish the name of Jefferson Nelson Redman and family; and

A bill [No. 222] to establish a State road from Michigan town in Clinton county, to Andersontown, in Madison county;

Were severally read the third time, and passed.

Ordered, That they be entitled acts, and that the clerk carry them to the Senate and ask their concurrence.

The engrossed bill, No. 218, declaring an act therein named, in force, and for other purposes;

Was read the third time, amended, by unanimous consent, and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The bill (No. 53) to amend an act entitled an act organizing the supreme court, and defining its powers and duties, approved Feb. 2, 1832;

Was read the second time.

On motion of Mr. Evans,

Said bill was amended by striking out from the last section the words "Indiana Democrat."

Mr. Evans moved further to amend the same, by striking out the words "second Monday before the session of the Legislature," and inserting in lieu thereof, "first Monday in November;"

Which motion did not prevail.

The question was then put,

Shall said bill be engrossed and read a third time to-morrow?

And was decided in the negative.

So said bill was rejected.

The bill (No. 55) to repeal a certain law therein named;

Was read a second and third times, (the rules of the House having first been dispensed with),

The question was then put,

Shall said bill pass?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bell, Bennett, Bigger, Bradbury, Bryan, Cook, Curtis, Hannaman, Hardesty, Hargrove, Johnston of F., Kelso, Kilgore, Liston,

Marshall, Moore, Nave, Newman, Puckett, Ray, Rockhill, Smith of F., Smith of R., Stanford, Thompson, Torbet, Vawter, Wallace, Wilson of H., Wilson of P., Wilson of V., and Gregory, speaker—32.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bower, Brackenridge, Brett, Carr, Carter of C., Chapman, Crume, Curry, Davis, Dunning, Evans, Gaddes, Green, Harris, Henkle, Hoagland, Howard, Howell, Johnston of F., Latshaw, Leslie, Lockhart, Lowe, McCalley, McDougale, M'Intire, Parks, Phelps, Schooling, Shank, Shaw, Stafford, Storm, Strain, Vandever, Walker, Willet, and Wright—40.

So said bill was rejected.

The bill (No. 56) to locate a State road from Slate Ford to Jeffersonville;

Was read the second time; and,

On motion of Mr. Bower,

Re-committed to a select committee.

Ordered, That Messrs. Bower, Armstrong, and Hoagland be that committee.

On motion of the Speaker, (Mr. Kelso occupying the chair at the time,) the bill No. 64, to attach a certain territory to the county of Warren, and for other purposes; laid on the table on the 16th ultimo,

Was taken up and read the third time and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

On motion of Mr. Kilgore,

The several orders of the day which precede the bill (No. 201) to repeal a part of an act entitled an act declaring the Mississinaway river navigable, and a public highway, approved Jan. 23, 1827, were for the present postponed, and the House proceeded to consider the same.

The committee of the whole House, to which said bill was committed, were discharged from the further consideration thereof.

Mr. Puckett moved to postpone the further consideration of said bill indefinitely;

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bennett, Bower, Bradbury, Brett, Bryan, Carr, Carter of C., Conwell, Cook, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Evans, Gaddes, Green, Hannaman, Hargrove, Harris, Henkle, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Latshaw, Leslie, Liston, Lockhart, Lowe, McCalley, McDougale, M'Intire, Mendenhall, Moore, Newman, Parks, Phelps, Puckett, Ray, Rockhill, Schooling, Shank, Shaw, Smith of R., Stafford, Stanford, Storm, Strain, Vandever, Vawter, Walker, Willet, Wilson of H., Wilson of P., Wright, and Gregory, speaker—61.

And those who voted in the negative are,

Messrs. Bell, Brackenridge, Chapman, Hardesty, Kelso, Kilgore, Marshall, Smith of F., Thompson, Torbet, Wilson of V., and Woodruff—12.

So said bill was indefinitely postponed.

The bill (No. 57) to locate a State road from Corydon to Livonia;

Was read the second time, and,

On motion of Mr. Leslie,

Re-committed to a select committee.

Ordered, That Messrs. Leslie, Lockhart, Wilson of H., Vandever, and Strain be that committee.

The bill (No. 59) to amend an act entitled an act organizing the supreme court and defining its powers and duties, approved Jan. 17, 1831; was read the second time, and,

On motion of Mr. Bigger,

Indefinitely postponed.

The engrossed bill of the Senate No. 6, for the organization of Wabash county;

Was read the second time.

On motion of Mr. Rockhill,

Said bill was amended by striking out from the last section, the words "Indiana Democrat."

Said bill was then read the third time and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence in the amendment made by the House to said bill.

And then the House adjourned until to-morrow morning at nine o'clock.

TUESDAY MORNING, JAN. 20, 1835.

The House met pursuant to adjournment.

On motion of Mr. Henkle the several orders of the day which precede the memorial (No. 153) asking a grant of land to aid in the construction of a rail road from Lafayette to Chicago, were for the present postponed, and the House proceeded to consider the same.

Said memorial was then read the second and third times (the rules of the House having first been dispensed with) and passed.

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence.

Mr. Wilson of H. (after having obtained leave) presented a joint memorial of the General Assembly of the State of Indiana relative to the payment of Revolutionary Pensioners;

Which was twice read (the rules of the House having first been dispensed with.)

Mr. Dunning moved to strike out the terms in the close of the memorial, which imply a "request" to our Senators in Congress, and to insert in lieu thereof terms "instructing" them upon the subjects contained in said memorial.

Mr. Willet moved to lay said memorial and motion to amend on the table;

Which motion did not prevail.

Mr. Vawter called for the previous question, which call was seconded by two members, and was thereupon put, to wit:

Shall the main question be now put?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bell, Brackenridge, Bradbury, Bryan, Carter of C., Conwell, Cook, Crume, Curry, Curtis, Green, Hannaman, Harris, Henkle, Johnson of M., Marshall, Newman, Puckett, Rockhill, Smith of F., Stanford, Thompson, Vawter, Wallace, Willet, Wilson of P., and Woodruff—29.

And those who voted in the negative are,

Messrs. Bennett, Bigger, Bower, Brett, Carr, Chapman, Culbertson, Davis, Dunning, Evans, Gaddes, Hardesty, Hargrove, Hoagland, Howard, Howell, Johnston of F., Kelso, Kilgore, Latshaw, Leslie, Liston, Lockhart, Lowe, McCalley, McDougale, McIntire, Mendenhall, Moore, Nave, Parks, Phelps, Ray, Schooling, Shank, Shaw, Smith of R., Stafford, Storm, Strain, Torbet, Vandever, Walker, Wilson of H., Wilson of V., Wright, and Gregory, Speaker—47.

So said previous question was decided in the negative.

A message from the Senate by Mr. Morris their Secretary:

Mr. SPEAKER—

The Senate has passed engrossed bills of the Senate entitled as follows, to wit:

No. 45—An act to amend the act entitled an act to amend the act to establish a College in the State of Indiana;

No. 51—An act to establish a State Road from Salisbury, in Harrison county, to Greenville, in Floyd county;

No. 70—An act to make a State Road from Brownstown to Madison;

No. 80—An act to make a State Road from Rockford to Jackson's Saline;

No. 93—An act to legalize the proceedings of the Board of Trustees of the County Library of Hancock county;

No. 94—An act to make a State Road from Versailles to Rockford;

No. 96—An act to authorize the re-location of the State Road from Marion, in Grant county, to Wabash, in Wabash county;

No. 98—An act incorporating the Richmond Education Society;

No. 99—An act to amend an act entitled an act to incorporate the town of Lawrenceburgh;

No. 105—An act for the election of a Justice of the Peace in the town of Carthage, Putnam county;

No. 107—An act declaring a county road leading from Mooresville, in Morgan county, to Peter Andrews', in Shelby county;

No. 109—An act to legalize the proceedings of the board of commissioners of the county of Putnam; and

No. 110—An act for the relief of the securities of Russell Comyn, late collector of Dearborn county; also

Engrossed bills of the House of Representatives entitled as follows:

No. 21—An act for the relief of Nathan Padgett;

No. 32—An act to amend an act entitled "an act to provide for the inspection of salt, beef, and flour," approved Jan. 24, 1829;

No. 197—A joint resolution relative to paying the pensioners of Indiana;

No. 135—An act to vacate the State Road from Hill's mills, in Rush county, to Samuel A. Hall's, in Hancock county, and Rezin Davis' in Shelby county;

No. 199—An act to locate a State Road from the town of Laporte via Waverly to the western boundary of the State;

No. 211—An act for the relief of Benjamin Bove, Martillo Remington, and the estate of Barnabas Crosby; and

No. 216—An act relative to the jurisdiction of Justices of the Peace in Clay county.

In which bills of the Senate, and the amendments proposed to the bills of the House, Nos. 21, 32, and 197, the concurrence of the House of Representatives is requested.

The bill of the Senate, (No. 45) named in said message, was twice read, (the rules of the House having first been dispensed with) when,

On motion of Mr. Phelps said bill was amended by adding at the end of the 1st section the following:

"Or if any one so selected shall not avail himself of the advantages of the act."

Said bill was then read the third time and passed.

Ordered, That the Clerk inform the Senate thereof and ask their concurrence in the amendment made by the House to said bill.

The bills of the Senate, (Nos. 51, 93, 98, 99, 105, 107, and 110,) named in said message, were severally three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That the Clerk inform the Senate thereof.

The bills of the Senate, (Nos. 70 and 80) named in said message, were severally twice read, (the rules of the House having first been dispensed with) and,

On motion of Mr. Carr, laid on the table.

The bill of the Senate (No. 94) named in said message, was twice read, (the rules of the House having first been dispensed with) and,

On motion of Mr. Smith of R., committed to a select committee.

Ordered, That Messrs. Smith of R., Kelso, Vawter, and Carr be that committee.

The bill of the Senate, (No. 96) named in said message, Was read the first time and passed to a second reading.

The bill of the Senate, (No. 109) named in said message, was twice read, (the rules of the House having first been dispensed with) and,

On motion of Mr. Hardesty, amended by adding at the end of the 1st section the following *proviso*:

"Provided said survey shall not affect the rights of any person owning property in said town."

Said bill was then read the third time and passed.

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence in the amendment made by the House to said bill.

The amendment made by the Senate to the bill of the House, (No. 21) named in said message, was read, and,

On motion of Mr. Dunning, said amendment was amended by striking out so much as leaves it discretionary with the commissioner to make the allowance to said Padgett, and giving that power to the board doing county business in Monroe county.

Said amendment as amended was then concurred in by the House.

Ordered, That the Clerk inform the Senate thereof and ask their concurrence in the amendment made by the House to the amendment of the Senate, to said bill.

The several amendments made by the Senate to the bill of the House, (No. 32) named in said message, were read & concurred in by the House.

Ordered, That the Clerk inform the Senate thereof.

The first amendment made by the Senate to the joint resolution of the House (No. 197) named in said message, was read and concurred in by the House.

The second amendment of the Senate to said joint resolution, was read,

And on the question, will the House concur therein?

The ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bennett, Bower, Brackenridge, Brett, Carter of C., Chapman, Cook, Culbertson, Curry, Dunning, Evans, Green, Hargrove, Harris, Henkle, Hoagland, Howard, Howell, Kelso, Latshaw, Leslie, Marshall, McCalley, McDougle, Mendenhall, Moore, Parks, Phelps, Puckett, Ray, Rockhill, Shank, Shaw, Smith of R., Storm, Thompson, Vandever, Walker, Wilson of P., and Woodruff--41.

And those who voted in the negative are,

Messrs. Angle, Bell, Bigger, Bradbury, Bryan, Carr, Conwell, Crume, Curtis, Davis, Gaddes, Hannaman, Hardesty, Johnson of M., Johnston of F., Kilgore, Liston, Lockhart, Lowe, Nave, Newman, School-

ing, Smith of F., Stafford, Stanford, Strain, Torbet, Vawter, Wallace, Willet, Wilson of H., Wilson of V., Wright, and Gregory, Speaker,—34.

So the House concurred in said 2d amendment.

Ordered, That the Clerk inform the Senate of the concurrence of the House in said amendments.

On motion of Mr. Bennett, the several orders of the day which precede the bill (No. 221) to incorporate the Wayne and Union Turnpike Company, and Centreville and Brownsville Turnpike Company, were for the present postponed, and the House proceeded to consider the same.

Said bill was then read the second time.

On motion of Mr. Willet, the 35th section of said bill was amended by inserting after the words "this act" the following "and an act to incorporate the St. Joseph Iron Company."

On motion of Mr. Bennett, said bill was further amended by striking out the name of "Job Mulford," and inserting in lieu thereof "Archibald Estep."

Said bill was then ordered to be engrossed and read a third time tomorrow.

On motion of Mr. Dunning, the engrossed bill of the Senate (No. 80) to make a state road from Rockford to Jackson's Saline, heretofore laid on the table, was taken up.

On motion of Mr. Vawter, said bill was amended by adding thereto the following, as an additional section:

"Sec. That Seth M. Chace be appointed to make and lay out a state road from the town of Vernon to Rockford, as a continuation and part of said road; for which service the Board of County Commissioners of Jennings county, shall make said commissioner a reasonable allowance, to be paid out of any funds belonging to said county. Should said Chace fail or decline to serve, the board of county commissioners may fill such vacancy; and on return of such location, the board of county commissioners of said county may order so much as lies within said county to be opened not exceeding forty feet in width."

On motion of Mr. Carr, said bill was further amended by adding a section as follows:

"Sec. It shall be the duty of the boards doing county business in the counties through which said road may pass, to cause so much of said road as runs through their respective counties, to be opened and kept in repair, agreeably to and under the provisions of the several acts which now are, or may hereafter be in force for opening and repairing public roads and highways.

Said bill was then read the third time and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence in the amendments made by the House to said bill.

Mr. Leslie, from the committee of enrolled bills, reported that they have compared the enrolled with the engrossed bills of the Senate as follows:

No. 12—An act to change the time of holding the circuit court in the counties of Vermillion and Parke;

No. 195—A memorial and joint resolution in regard to the Pottawattamie and Miami Indians in this State, (which originated in the House of Representatives) and find them truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Marshall presented a petition of D. Comstock and others, citizens of the town of Madison, in Jefferson county, praying an extension of the charter of the Farmers and Mechanics Bank of Indiana for the term of twenty years;

Which was read and referred to a select committee of Messrs. Marshall, Wallace, Armstrong, Vawter, and McCalley.

Mr. Stanford made the following report:

The select committee to which was referred two petitions, asking for the location of a state road from Chesterfield in Madison county, to Marion in Grant county; and a bill of this House (No. 159) to establish a state road in Delaware and other counties, have had these subjects under consideration, and have directed me to report, that they have amended the bill by striking it out from the enacting clause, and inserting three sections embracing the objects of the bill and petitions. And also a section providing for the objects of a petition to vacate a part of a certain state road in Henry county, which was referred to another select committee.

The said amendments to the above named bill [No. 159] were read and concurred in.

Ordered, That said bill be engrossed and read a third time to-morrow.

On motion of Mr. Angle, the several orders of business were postponed for one hour, for the introduction of reports from select committees.

Mr. Thompson made the following report:

The select committee, to whom was referred the petition of Creed Taylor Wilson and others, citizens of the counties of Lawrence and Jackson, praying the incorporation of the Leesville Steam Mill Company, have had the same under their consideration, and have directed me to report a bill entitled

A bill [No. 229] to incorporate the Leesville Steam Mill Company;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

Mr. Moore made the following report:

The select committee, to whom were referred the petitions of sundry citizens of Clay and Owen counties, praying the location of a state road, have had that subject under consideration, and have directed me to report a bill entitled

A bill [No. 230] to establish a state road from Martinsville, in Mor-

gan county, via Middletown in Owen county, to John Chancy's ferry on Eel river, thence to Hayne's old cabin, in Vigo county;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Davis, from the select committee to which was referred a petition on that subject, reported

A bill [No. 231] to establish a state road from Lafayette to intersect the state road leading from Lafayette to Chicago at the Sugar creek Grove;

Which was read the first time and passed to a second reading.

Mr. Carter of C., from the select committee to which was referred a petition of Nathaniel McGuire and others, on that subject, reported

A bill [No. 232] requiring the county of Cass to pay to the county of Miami, the county revenue collected within the county of Miami in the year 1834;

Which was three times read (the rules of the the House having first been dispensed with) and passed.

Ordered, That it be entitled an act and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Kilgore made the following report:

The select committee, to which was referred the petition of John Hammel and others, citizens of Grant county, praying for the location of a certain state road, have had the same under consideration, and have directed me to report

A bill [No. 233] to provide for the location of a state road from Marion, in Grant county, to Huntington;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Angle, from the select committee to which was referred a petition of John B. King and others, citizens of Warren county, on that subject, reported

A bill [No. 234] to incorporate the townships in the county of Warren;

Which was read the first time and passed to a second reading.

Mr. Johnson of M., from the select committee to which was referred a petition on that subject, reported

A bill [No. 235] supplemental to an act to extend the provisions of an act therein named to Marion county;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read the third time tomorrow.

Mr. McIntire, from the select committee to which was re-committed a report of the committee of Ways and Means on that subject, reported

A bill [No. 236] to amend an act entitled an act to encourage the killing of wolves, approved Feb. 10, 1831;

Which was twice read (the rules of the House having first been dispensed with.)

Mr. Chapman moved to strike out so much of said bill as requires the wolf to be taken within 8 miles of a settlement, to entitle the taker to a premium;

Which motion was lost.

Mr. Armstrong moved to commit said bill to a committee of the whole House for to-morrow;

Which motion was decided in the negative.

Mr. Smith of R. moved to strike out so much as requires the payment of money out of the State Treasury.

Mr. Moore moved to amend said bill, by allowing 25 cents out of the State Treasury, instead of "50." Debate arising,

Mr. Conwell called for the previous question, which call was seconded by two members, and was thereupon put, to-wit:

Shall the main question be now put?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bigger, Bower, Carr, Carter of C., Chapman, Conwell, Cook, Crume, Culbertson, Curry, Curtis, Davis, Evans, Gaddes, Green, Hannaman, Hardesty, Harris, Hoagland, Kelso, Kilgore, Latshaw, Liston, Lockhart, Lowe, Marshall, M'Dougale, McIntire, Newman, Puckett, Rockhill, Schooling, Shank, Shaw, Smith of F., Thompson, Torbet, Vawter, Walker, Wilson of P., Wilson of V., Woodruff, Wright, and Gregory, Speaker—46.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Brackenridge, Bradbury, Bryan, Brett, Dunning, Hargrove, Henkle, Howard, Howell, Johnston of F., Leslie, M'Calley, Mendenhall, Moore, Nave, Parks, Phelps, Ray, Smith of R., Stafford, Stanford, Storm, Strain, Vandever, Wallace, and Wilson of H.—28.

So said previous question passed in the affirmative.

The said main question was thereupon put, to-wit:

Shall the bill be engrossed and read a third time to-morrow?

And passed in the affirmative.

Mr. Lockhart, from the select committee to which was re-committed the bill [No. 57] to locate a state road from Corydon to Livonia, reported the same with one amendment;

Which was read and concurred in by the House.

Said bill was then read the third time and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Nave, from the select committee to which was referred a petition on that subject, reported

A bill [No. 237] to alter a part of the Martinsville and Crawford-

ville state road lying between Mooresville and the National Road, in in Hendricks county;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Shank, from the select committee to which was referred a petition on that subject, reported

A bill [No. 238] for the relief of the heirs of Allen Major, late of Shelby county, deceased;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Phelps, from the select committee, to which was referred a petition on that subject, reported

A bill (No. 239) to incorporate the town of Levenworth;

Which was read the first time and passed to a second reading.

Mr. Curry made the following report;

Which was read and concurred in—to wit:

The select committee, to which was referred the petition of James C. Scott and others, have had the same under consideration, and have directed me to report that it is inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration of the same.

Mr. Bower, from the select committee, to which was committed the bill (No. 56) to locate a State Road from the Slate ford to Jeffersonville, reported the same with one amendment;

Which was read and concurred in by the House.

Said bill was then read the third time and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Latshaw, from the select committee, to which was referred a petition on that subject, reported

A bill (No. 240) to amend an act entitled an act to locate a state road from Greencastle, in Putnam county, to Carlisle, in Sullivan county, by the way of Manhattan, in Putnam county, and Bowling Green and New Brunswick, in Clay county, approved Jan. 3d, 1833;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

A message from the Senate, by Mr. Morris their Secretary:

MR. SPEAKER—

The Senate has concurred in the amendment made by the House of Representatives to the bill of the Senate (No. 6) entitled "an act for the organization of Wabash county."

And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment,

And proceeded to consider the orders of the day.

The engrossed bill (No. 227) concerning the Wabash and Erie canal lands,

Was read the third time and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to Senate and ask their concurrence.

The joint resolution (No. 60) relative to the printing of the law of the United States, on the subject of the surveying of the public lands,

Was read the second time and ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Kelso the bill (No. 212) to amend an act entitled an act to incorporate the Lawrenceburgh and Indianapolis Rail Road Company, approved Feb. 2d, 1832, heretofore laid on the table, was taken up.

Mr. Leslie moved to amend said bill by striking out so much as authorizes the borrowing of money.

Mr. Brackenridge moved to lay said bill and motion to amend on the table;

Which motion did not prevail.

The question was then put on the motion to amend as proposed by Mr. Leslie.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bennett, Brett, Dunning, Green, Latshaw, Leslie, McCalley, Mendenhall, Nave, Phelps, Rockhill, Storm, Vandever, Wilson of H., Wilson of P., and Wright—17.

And those who voted in the negative are,

Messrs. Angle, Bell, Bigger, Bower, Brackenridge, Bradbury, Bryan, Carr, Carter of C., Chapman, Conwell, Cook, Crume, Culbertson, Curry, Curtis, Davis, Evans, Gaddes, Hannaman, Hardesty, Hargrove, Harris, Henkle, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Kelso, Kilgore, Liston, Lockhart, Lowe, Marshall, McDougale, McIntire, Moore, Newman, Parks, Puckett, Ray, Schooling, Shank, Shaw, Smith of F., Smith of R., Stafford, Stanford, Strain, Thompson, Torbet, Vawter, Walker, Wallace, Willet, Wilson of V., Woodruff, and Gregory, Speaker—59.

So said motion was decided in the negative.

The question was then put: shall said bill be engrossed and read a third time to-morrow?

And the ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bigger, Bradbury, Bryan, Carr, Carter of C., Chapman, Conwell, Cook, Crume, Curry, Curtis, Davis, Evans, Gaddes, Hannaman, Hardesty, Henkle, Hoagland, Howard, Johnson of M., Johnston of F., Kelso, Kilgore, Liston, Lockhart, Marshall, McDougle, Moore, Newman, Parks, Puckett, Ray, Shank, Shaw, Smith of F., Smith of R., Stafford, Stanford, Strain, Thompson, Torbet, Vawter, Walker, Wallace, Willet, Woodruff, and Gregory, Speaker—49.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bower, Brackenridge, Brett, Culbertson, Dunning, Green, Hargrove, Harris, Howell, Latshaw, Leslie, Lowe, McCalley, McIntire, Mendenhall, Nave, Phelps, Rockhill, Schooling, Storm, Vandever, Wilson of H., Wilson of P., Wilson of V., and Wright—27.

So said bill was ordered to be engrossed and read a third time tomorrow.

The bill (No. 61) to repeal a part of an act supplemental to an act incorporating the borough of Vincennes, approved Jan. 27, 1824;

The bill (No. 62) to amend an act entitled an act for the encouragement of Education;

The bill (No. 63) to locate a State Road from the north line of the State of Indiana in the direction of Chicago;

The bill (No. 65) to amend an act entitled "an act to provide for draining the swamps, ponds, marshes, and other low lands within the counties of Tippecanoe, Montgomery, Clinton, and Warren;

The bill (No. 68) to amend an act entitled "an act for the relief of the securities of certain officers," approved Feb. 1, 1834; and

The bill to authorize the district trustees of the Edinburgh school district, in Congressional township No. 11, north of range No. 5 E., in Johnson county, to appropriate \$50 to the building of a school-house in said district;

Were severally read the second time and ordered to be engrossed and read a third time to-morrow.

The bill (No. 70) to amend an act entitled "an act regulating the taking up of animals going estray, and water craft and other articles of value adrift," approved Feb. 9, 1831;

Was read the second time and committed to a select committee of Messrs. Howell, Nave, Stanford, McIntire, Vawter, Storm, and Wilson of H.

The engrossed bill from the Senate [No. 13] to vacate a part of the State road leading from Corydon, in Harrison county, to Troy in Perry county, and for other purposes;

Was read the second time, and ordered to be read a third time tomorrow.

The bill [No. 75] relative to writs of mandamus procedenda and prohibition; and,

The a bill [No. 77] to locate a State road from New Harmony to

Evansville, were each read a second time, and ordered to be engrossed and read a third time to-morrow.

The bill [No. 76] to amend an act entitled an act regulating the taking up of animals going estray, and water-craft, and other articles of value adrift, approved Feb. 9, 1831, was read the second time and committed to the same select committee, as bill No. 70 of the same title.

The engrossed bill from the Senate [No. 17] to authorize the president and managers of the New Albany school to sell certain real estate was read the second and third times, and passed.

Ordered, That the clerk inform the Senate thereof.

The bill [No. 78] to establish and define certain streets in the town of Lanesville, Harrison county, and for other purposes;

Was read the second and third times, by consent, and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The engrossed bill from the Senate, [No. 14] to amend an act to incorporate the Switzerland county seminary, approved Feb. 1, 1834, was read the second and third times, by consent, and passed.

Ordered, That the clerk inform the Senate thereof.

The engrossed bill from the Senate (No. 19) to amend an act entitled an act to provide for the improvement of the navigation of the Wabash river, approved Feb. 1, 1834, was read the second time;—and,

On motion of Mr. Parks,

Was committed to a select committee with the following instructions:

“Commit the bill to a select committee with instructions to inquire into the nature of the bill, and take into consideration all appropriations heretofore made on said road in said county, and report accordingly.”

Ordered, That Messrs. Parks, Thompson, Vandever, Brett, Lockhart, Stafford, Dunning, and Phelps be that committee.

The bill [No. 80] to amend an act entitled an act allowing and regulating the writ of ad quod damnum, approved Dec. 20, 1823;

Was read the second time,

And committed to a committee of the whole House for to-morrow.

The bill [No. 81] to amend an act entitled “an act regulating the jurisdiction and duties of justices of the peace,” approved Feb. 10, 1831; was read the second time,

And committed to a select committee of Messrs. Smith of F., Marshall, Kilgore, Dunning, Brackenridge, and Bryan.

The bill [No. 82] to amend an act entitled an act to regulate the mode of doing county business in the several counties in this State, approved Jan. 19, 1831, was read the second time.

Mr. Smith of R. moved to commit it to a committee of the whole House for to-morrow.

Pending that question, it was,

On motion of Mr. Smith of F.,

Ordered, That said bill do lie on the table.

The bill [No. 84] authorizing the laying off into seminary districts, the several counties therein mentioned, and for other purposes, was read the second time; and,

On motion of Mr. Vandever,

Committed to a select committee of Messrs. Vandever, Parks, and Culbertson.

The bill [No. 88] to enable the board of commissioners of the county of Crawford, to appoint a school commissioner for a certain township therein named, was read the second time,

And committed to a select committee of Messrs. Kelso, Phelps, and Walker.

The engrossed bill from the Senate No. 16, to provide for taking the enumeration of the white male inhabitants, above the age of 21 years;

Was read the second time, and committed to the same committee of the whole House, to which was committed the bill of the House No. 190, on the same subject.

On motion of Mr. Nave,

The engrossed bill of the Senate (No. 24) to vacate part of a certain State road therein named, laid on the table on the 19th ult. was taken up, read the third time, and passed.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Willet,

The several orders of the day which precede the bill [No. 190] to provide for the next apportionment of representation, and for furnishing useful statistical information—and the engrossed bill of the Senate [No. 16] were for the present postponed—and the House resolved itself into a committee of the whole on said bills;

After some time spent therein, the Speaker resumed the chair, and Mr. Marshall reported progress, and asked leave to sit again;

Which leave was granted by the House.

Mr. Bigger, having obtained leave, made the following report:

Which was read and concurred in, to wit:

The committee on education, to which was referred a resolution of the House, instructing said committee to inquire into the expediency of revising the several sections of the school law, so as to comprise the same in a smaller compass, and give each township the right to elect its own school commissioner, &c.—

Also, petition [No. 8] of Wm. Jones and others, citizens of Putnam county, relative to the erection of school houses, as near the centre of the school district as practicable—

Also, a petition (No. 4) of Thomas Bosswell and others, relative to the division of the town of Russellville, by a school district—

Also, the petition [No. 5] of James Boyle and others, praying the appointment of a school fund commissioner for Congressional township number three, range one, in Dearborn county, and that the funds of said township be kept within the same—

Also, the petition [No. 10] of Noah Wright and others, of Marion

county, praying the formation of a school district out of parts of certain townships therein named—and

Also, the remonstrance of George McClain and others thereto—

Also, the communication of H. R. Thomas (No. 25) respecting manual labor schools—

Also, a resolution of the House (No. 31) instructing the committee to inquire into the expediency of levying a tax on the land of persons not resident in the school district, and on school lands, for school purposes—

Also, a resolution [No. 30] instructing the committee on education to inquire into the expediency of providing relief for citizens of this State whose lands or town lots may have been double listed and returned as belonging to non-residents—

Also, a resolution [No. 29] instructing the committee to inquire into the expediency of requiring the proper officers to return all delinquent lands to the trustees of the township in which they may be situate, and that the trustees, three years after such return, be authorized to lease for the term of fifteen years from the time of such return, said lands so returned delinquent, and secure in such lease the payment of the future taxes, from the tenant or lessee; and in case the owner of said land before the expiration of the lease, pays the full and proper charges against said land to said trustees, the said owner shall then sustain the relation of landlord towards said lessee, until the expiration of said lease, and that then the full right shall revert in him—

Also, a resolution (No. 21) relative to the expediency of requiring the school commissioners to give bond and security sufficient to secure the full amount of moneys that may from time to time come into their hands—

Also, a resolution [No. 19] instructing the committee to inquire into the expediency of extending the right of taxation for school purposes, to the same objects made subject to taxation for State and county purposes—

Also, a resolution (No. 13) instructing the committee to inquire into the expediency of so amending the laws, relating to county seminaries, as to authorize the seminary trustees after the erection of the requisite buildings, and apparatus, to apply the balance of the funds, as they come into their hands, to the employment of a suitable teacher, &c.; have had the same under consideration, and have directed me to report that further legislation on the said petitions and resolutions, is inexpedient, and ask to be discharged from their further consideration.

On motion of Mr. Green,

The several orders of the day, which precede the bill (No. 130) to incorporate the New Harmony manual labor college at or adjoining New Harmony, Posey county, Indiana—

Were for the present postponed.

The said bill was thereupon

Read the second and third times, (the rules of the House having first been dispensed with), and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

And then the House adjourned until to-morrow morning at nine o'clock.

WEDNESDAY MORNING, JAN. 21, 1835.

The House met pursuant to adjournment.

A message from the Senate by Mr. Morris, their Secretary:

Mr. SPEAKER—

The Senate has passed bills of the Senate entitled as follows:

No. 72—An act to amend the act entitled an act to organize and regulate the militia of the state of Indiana, approved Feb. 10, 1831;

No. 73—An act to amend an act to provide for electing county and township officers, approved Jan. 30, 1831;

No. 76—An act to amend an act to regulate the mode of doing county business in the several counties of this state, approved January 19, 1831;

No. 77—An act giving to treasurers' receipts the same validity in evidence as licenses;

No. 82—An act to regulate the Marion County Seminary;

No. 102—An act extending the time of final payment of the Seminary Lands, and for other purposes;

No. 112—An act to abolish imprisonment for debt in case of females;

No. 114—An act to authorize the clerk of Posey county to appoint an assessor for 1835; and

No. 115—An act to change the time of holding the Probate Court in Perry county;

Also, bills of the House of Representatives entitled as follows:

No. 45—An act to amend an act entitled an act regulating the practice in chancery, approved Feb. 10, 1831; and

No. 132—An act to amend an act entitled an act to provide for the improvement of the navigation of the Wabash river;

Both with amendments—in which amendments, and the bills of the Senate, the concurrence of the House of Representatives is requested.

The bills of the Senate [Nos. 72, 73, 76, 77, 82, and 102] named in said message were severally read the first time and passed to a second reading.

The bill [No. 112] of the Senate named in said message was twice read (the rules of the House having first been dispensed with) and,

On motion of Mr. Newman, committed to the same committee of the

whole House to which was heretofore committed the bill of the House, [No. 144.]

The bills of the Senate [No. 114 and 115] named in said message, were severally three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That the Clerk inform the Senate thereof.

The 1st and 3d amendments made by the Senate to the bill of the House [No. 45] named in said message, were severally read and concurred in by the House.

The second amendment of the Senate made to said bill was read, and, On motion of Mr. Angle, the same was amended by striking out therefrom the words, "do not."

Said amendment as amended was then concurred in.

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence in the amendment by the House to the said second amendment of the Senate.

The amendments made by the Senate to the bill of the House [No. 132] named in said message were read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

Mr. Crume moved to re-consider the vote taken on yesterday evening, on concurring in that part of the report made by Mr. Bigger from the committee on Education relative to resolutions numbered 29 & 21.

Mr. Kelso called for a division of the question.

The first member of the question, to-wit:

Will the House re-consider the vote on concurring in so much of said report as relates to resolution No. 29?

Was thereupon put, and passed in the affirmative.

That part of said report was then re-committed to a select committee of Messrs. Conwell, Thompson, Wallace, Henkle, and Smith of F.

The other member of said question was then put, and the vote upon so much of the report as respects resolution No. 21 was re-considered.

That part of said report was then re-committed to the same select committee last named.

The Speaker laid before the House a communication in writing from Andrew Gardner, commissioner for the improvement of the Wabash river, covering the report of the Engineer appointed to make the surveys;

Which was read and referred to the committee on Canals and Internal Improvements.

Mr. Angle presented a remonstrance of John Martin and others, against a petition praying an alteration in the state road leading from near Delphi, in Carroll county, to Crawfordsville;

Which was read and referred to the same select committee to which said petition was heretofore referred.

Mr. Hardesty, from the committee of Enrolled Bills, reported that they have compared the enrolled with the engrossed bills, entitled acts as follows, to-wit:

No. 124—An act to establish a state road in the county of Vigo from the west side of the Wabash river at Terre Haute to the state line in the direction of Paris, Illinois, and for other purposes;

No. 136—An act to incorporate the St. Joseph Iron Company;
 No. 143—An act to incorporate the Dearborn County Seminary;
 No. 137—An act to change the name of Travis Adcock and others;
 No. 155—An act to incorporate the Mishawaka bridge company;
 Which originated in the House of Representatives; and
 No. 6—An act to organize the county of Wabash;
 Which originated in the Senate;
 And find the same truly enrolled.

Whereupon the Speaker signed said bills.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

Mr. Evans presented a petition of William Button and others, citizens of Fountain county, praying a re-location of part of the state road leading from Covington, via Newtown, to Strawtown;

Which was read and referred to the committee on Roads.

Mr. Dunning presented a petition of Isaac Gillaspie and others, praying an appropriation out of the 3 per cent. fund appropriated to Monroe county, to be applied to the improvement of Bean Blossom creek;

Which was read and laid on the table.

Mr. Thompson presented a petition of John Stephenson and others, praying a change in the line dividing the counties of Jackson and Lawrence;

Which was read and referred to a select committee of Messrs. Thompson, Parks, Carr, and Dunning.

Mr. Shaw presented a petition of J. B. Martin and others, praying an act to legalize the election of the Directors of the Evansville and Lafayette Rail Road Company;

Which was read and referred to a select committee of Messrs. Shaw, Brackenridge, Hargrove, Latshaw, and Wilson of V.

Mr. Henkle presented a petition of Thomas T. Benbridge and others, citizens of Tippecanoe county, praying a repeal of the act relative to the jurisdiction and duties of justices of the peace, approved Feb. 1, 1834, so far as it relates to Tippecanoe county;

Which was read and referred to a select committee of Messrs. Henkle, Davis, and Curry.

On motion of Mr. Evans, the several orders of business were postponed for one hour, for the introduction of reports and bills from select committees.

Mr. Evans, from the select committee to which was referred a petition of sundry citizens of Warren county, reported

A bill (No. 241) to provide for the location of a state road therein named;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Dunning made the following report:

The select committee to whom was referred the petition of James Taggart sen. and others, citizens of Bartholomew, Monroe, Jackson,

and Morgan counties, praying for the formation of a new county; and also the remonstrance of William Boles and other citizens of Morgan county, protesting against any change in the boundary lines of said county, have had the same under consideration, and after mature reflection upon the subject referred to them, and a full investigation of the facts thereto pertaining, have ascertained that sufficient territory may be taken from the counties of Bartholomew and Monroe, to form a county respectable in extent of territory and population, without reducing either of said counties to their constitutional boundaries; and your committee believing that from the extreme difficulties under which your petitioners labour in attending courts, musters, and the discharge of many other public duties devolving upon them by the requirements of the law, that they ought to have their request granted, and therefore have directed me to report a bill entitled

A bill [No. 242] for the formation of Brown county;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Wallace made the following report, which was read and concurred in, to wit:

The select committee to which was referred the petition of Charles M. Culberson and others, praying the location of a state road from the crossing of Big creek in Lancaster township, Jefferson county, to Richard Reddick's in Jackson county, report, that in their opinion it would be inexpedient to legislate on the subject; that the road prayed for runs within a short distance of a parallel line of a road from Madison to Brownstown; that the business which would be done on said road if located, would not be such as to justify the expense of locating and opening it; that no petitioners living in Jennings and Jackson counties, have prayed for the location, and having no evidence they wish the road established; they therefore ask to be discharged from the further consideration of the subject.

Mr. Armstrong made the following report:

The select committee to which was referred the petition of William C. Sullivan, late collector of Jefferson county, praying authority to redeem certain lands sold for taxes, have had that subject under consideration, and directed me to report

A bill (No. 243) to authorize the redemption of land returned to school commissioners for the non-payment of taxes in certain cases, and for other purposes;

Which was twice read (the rules of the House having first been dispensed with) and,

On motion of Mr. Kelso, laid on the table.

Mr. Vandever made the following report:

The select committee to which was referred a bill [No. 84] authorizing the laying off into seminary districts, the several counties therein mentioned, and for other purposes, now report the same back to the House with two amendments.

Said amendments were severally read and concurred in by the House.

On motion of Mr. Strain, the county of Washington was included in the provisions of said bill.

On motion of Mr. Wilson of P., the county of Parke was included therein.

Said bill was then read the third time and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Marshall made the following report:

The select committee to whom was referred the petition of D. Comstock and others, praying a continuation of the charter of the Farmers' & Mechanics' Bank of Indiana, for twenty years, have according to order had the same under consideration, and a majority of said committee have directed me to report a bill entitled

A bill (No. 244) to revive and continue in force for a limited time, the act to incorporate the Farmers' and Mechanics' Bank of Indiana;

Which was twice read (the rules of the House having first been dispensed with) and

On motion of Mr. Kelso, committed to a committee of the whole House, and made the special order of the day for Monday next.

Mr. Angle made the following report, which was read and concurred in, to wit:

The select committee to which was referred the petition of Solomon Peterson and others, praying an alteration in the Delphi and Crawfordsville state road; and also a remonstrance on the same subject, have had the same under consideration, and have directed me to report that it is inexpedient to make an alteration in said road, and ask to be discharged from the further consideration thereof.

Mr. Thompson made the following report:

The select committee to whom was referred the petition of John McDowell, clerk of the Regular Baptist Church at Spring creek in the county of Lawrence, praying the legalization of the acts of the trustees of said church, have had the same under their consideration, and have directed me to report

A bill [No. 245] to legalize certain acts therein named.

Which was three times read (the rules of the the House having first been dispensed with) and passed.

Ordered, That it be entitled an act and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Lowe, from the select committee to which was committed the bill [No. 180] to incorporate the Indianapolis and Montezuma Rail Road Company, reported the same with two amendments;

Which were read, when

The Speaker announced the expiration of the hour allotted for the introduction of reports from select committees and bills.

On motion of Mr. Dunning the several orders were postponed one hour more for the introduction of reports and bills.

Before the question was had on concurring in the report of the select committee on Bill No. 180,

The House adjourned until 2 o'clock P. M.,

2 o'clock P. M.

The House met pursuant to adjournment.

Mr. Wilson of P., after having obtained leave, presented

A bill [No. 246] supplementary to an act entitled an act for the relief of John G. Davis former collector of Parke county, and John G. Kindall of Decatur county;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

On motion of Mr. Vawter, the several orders of the day were postponed the remainder of the afternoon, for the introduction of reports from standing and select committees and introduction of bills.

The House then resumed the consideration of the bill [No. 180] pending when the House last adjourned.

The first amendment reported by the committee to said bill, was read and concurred in by the House.

On motion of Mr. Hardesty,

The second amendment was amended by striking it out from the second proviso, and by inserting in lieu thereof these provisions, to-wit:

"That so much of the subscription of stock to said corporation as may be subscribed by the citizens of Parke county, shall be appropriated under the direction of the Directors of said county to the construction of so much of the road as lies between Rockville and Montezuma; and after so much of the road as above mentioned shall have been completed, the remaining funds shall be applied in such manner as may be agreed upon by a majority of the whole number of Directors by this act appointed."

Said second amendment as amended was then concurred in by the House.

Said bill was then read the third time and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Liston presented a memorial asking a grant of lands from the United States for certain purposes;

Which was read the first time and passed to a second reading.

Mr. Parks, from the select committee to which was referred a petition relative to certain lots in the town of Springville in Lawrence county, reported

A bill [No. 248] authorizing certain acts therein named;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Dunning moved to re-consider the vote taken on the motion of Mr. Vawter made this afternoon on postponing the orders of business; And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bennett, Bower, Brackenridge, Brett, Bryan, Carter of C., Cook, Culbertson, Dunning, Green, Hargrove, Harris, Hoagland, Howard, Howell, Johnson of M., Latshaw, Leslie, Lowe, McCalley, McDougle, Mendenhall, Phelps, Schooling, Shank, Shaw, Smith of R., Strain, Torbet, Vandever, Walker, Wilson of H., Wilson of P., Wilson of V., and Wright—36.

And those who voted in the negative are,

Messrs. Angle, Bell, Bigger, Bradbury, Carr, Chapman, Conwell, Crume, Curry, Curtis, Davis, Evans, Gaddes, Hannaman, Hardesty, Henkle, Johnston of F., Kilgore, Liston, Lockhart, Marshall, McIntire, Moore, Nave, Newman, Parks, Puckett, Ray, Rockhill, Smith of F., Stafford, Stanford, Storm, Thompson, Vawter, Wallace, Willet, Woodruff, and Gregory, Speaker—39.

So said vote was not re-considered.

The House resumed the consideration of the report of the select committee to which was committed the bill (No. 194) to provide for the Wabash and Erie canal, and for the commencement of a general system of internal improvement in Indiana, postponed on the 15th inst. by a decision on the previous question.

The question recurred on the motion to amend as proposed by Mr. McDougle, pending when said bill was last under consideration; and being put,

It was decided in the negative.

On motion of Mr. Smith of F., the first amendment made by the committee to said bill, was amended by inserting after the word "canal" in the 9th line, the following: "not exceeding in cost the sum of \$200,000." Mr. Chapman moved to amend said report of the select committee by adding the following as an additional section.

"Sec. That the board of internal improvements in this act contemplated, make or cause to be made a survey for a canal from Fort Wayne to the highest point of steam boat navigation on the Big St. Joseph river, and make an estimate of the cost of said work, and report the same to the next Legislature if practicable: *Provided however*, that should it be found by survey that it is not practicable to construct a canal on said route, the said board of internal improvement, then and in that case, cause the survey to be made for a rail road, and make a report to the next session of the Legislature, of the practicability, utility, and cost of a rail road on the route aforesaid;"

Which motion was decided in the negative.

Mr. Smith of R., moved to amend the 5th amendment made by the select committee to said bill, by providing that Shelbyville, Greensburgh and Napoleon, be made points in the rail road named in said amendment, and by striking out therefrom so much as conflicts with said proposed amendment.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bower, Brackenridge, Brett, Bryan, Carr, Carter of C., Culbertson, Green, Hannaman, Hargrove, Howard, Howell, Johnson of M., Kelso, Leslie, Lowe, McCalley, Mendenhall, Phelps, Schooling, Shank, Shaw, Smith of R., Torbet, Vandever, Walker, Wilson of H., Wilson of P., Wilson of V., Wright, and Gregory, Speaker—32.

And those who voted in the negative are,

Messrs. Angle, Bell, Bennett, Bigger, Bradbury, Chapman, Conwell, Cook, Crume, Curry, Curtis, Davis, Dunning, Evans, Gaddes, Hardesty, Harris, Henkle, Hoagland, Johnston of F., Latshaw, Liston, Lockhart, Marshall, McDougale, McCalley Moore, Nave, Newman, Parks, Puckett, Ray, Rockhill, Smith of F., Stafford, Stanford, Storm, Strain, Thompson, Vawter, Wallace, Willet, and Woodruff—43.

So said motion was decided in the negative.

Mr. Bryan moved to amend said amendments by adding the following as an additional section:

"Sec. That one hundred thousand dollars be, and the same is hereby appropriated to aid in the construction of the Lawrenceburgh and Indianapolis Rail Road, under the same provisions and restrictions that is provided for in that part of the bill in relation to the Madison and Lafayette rail road."

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bryan, Bigger, Carter of C., Chapman, Culbertson, Green, Hannaman, Hargrove, Howard, Howell, Johnson of M., Kelso, Lowe, Parks, Phelps, Shank, Shaw, Smith of R., Strain, Torbet, Vandever, Vawter, Walker, Willet, Wilson of P., Wilson of V., Woodruff, Wright, and Gregory, Speaker,—29.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bell, Bennett, Bower, Brackenridge, Bradbury, Carr, Conwell, Cook, Crume, Curry, Curtis, Davis, Dunning, Evans, Gaddes, Hardesty, Harris, Henkle, Hoagland, Johnston of F., Kilgore, Latshaw, Leslie, Liston, Lockhart, Marshall, McCalley, McDougale, McIntire, Mendenhall, Moore, Nave, Newman, Puckett, Ray, Rockhill, Schooling, Smith of F., Stafford, Stanford, Storm, Thompson, Wallace, and Wilson of H—46.

So said motion was decided in the negative.

Mr. Bower moved to amend said amendments as follows:

Sec. The Ohio and Indianapolis Rail Road Company are hereby authorized to intersect the rail road from Madison *via* Indianapolis to Lafayette, at or near Columbus; and when said company shall have subscribed an amount equal to one third of the cost of construction from Jeffersonville to the point of intersection, the State shall subscribe double the amount of stock subscribed by individuals; said route from the Falls of Ohio to a suitable point near Columbus shall be examined and surveyed as in this act provided for the survey of the road from Madison *via* Indianapolis, to Lafayette, and under like provisions may be made a turnpike road on the McAdam plan, and in all other respects be governed as provided for said Madison and Lafayette road.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bower, Brackenridge, Bryan, Carr, Carter of C., Chapman, Culbertson, Dunning, Green, Hargrove, Hoagland, Howard, Howell, Latshaw, Leslie, Lockhart, Lowe, McCalley, McDougale, Parks, Phelps, Schooling, Shank, Shaw, Smith of R., Strain, Torbet, Vandever, Vawter, Walker, Willet, Wilson of P., Wilson of V., Woodruff, Wright, and Gregory, Speaker—37.

And those who voted in the negative are,

Messrs. Angle, Bell, Bennett, Bigger, Bradbury, Conwell, Cook, Crume, Curry, Curtis, Davis, Evans, Gaddes, Hannaman, Hardesty, Harris, Henkle, Johnson of M., Johnston of F., Kelso, Kilgore, Liston, Marshall, McIntire, Mendenhall, Moore, Nave, Newman, Puckett, Ray, Rockhill, Smith of F., Stafford, Stanford, Storm, Thompson, Wallace, and Wilson of H.—38.

So said motion was decided in the negative.

On motion of Mr. Kilgore, the second amendment made by the select committee to said bill, was amended by striking out from the latter clause these words "so soon as the means within her power will enable her so to do."

Mr. Shaw moved to amend the amendments reported by the select committee, by adding the following as additional sections, to wit:

"Sec. That for the purpose of aiding in the construction of a McAdamized turnpike road from Vincennes to New Albany on the line of the state road between those two places *via* Washington in Daviess county, Mount Pleasant in Martin county, Paoli in Orange county, Fredericksburgh in Washington county, and Greenville in Floyd county, the State of Indiana hereby stands pledged to appropriate the sum of \$220,000 whensoever called on by order of any turnpike company established on and for the benefit of such road.

Sec. That John G. Clendennin and Josiah Hazlewood, of the county of Orange; John Craig, of the county of Washington; Nathan-

iel Albertson and G. Wilson, of Floyd and Harrison counties; Lewis Brooks, of Martin county; David DeDonald and Seth Roddick, of Daviess county; and Samuel Langton and Henry D. Wheeler, of the county of Knox, are hereby declared a body corporate and politic, of the said turnpike road until an act of incorporation shall be passed, and the company aforesaid shall be governed in like manner as required by the provisions of this act, in relation to the Madison and Lafayette Rail Road.

And before the question was had thereon,

The House adjourned until to-morrow morning at 9 o'clock.

THURSDAY MORNING, JAN. 22, 1835.

The House met pursuant to adjournment.

Mr. Bryan moved to postpone the several orders of the day which precede the memorial (No. 248) asking a grant of lands from the United States for certain purposes, and that the House do now consider the same;

Which motion did not prevail.

Mr. Dunning moved that the several orders of the day which precede the bill (No. 100) to amend an act supplementary to an act entitled "an act authorizing the sale of one of the reserved sections of land in Monroe county," approved Feb. 9th, 1831, be for the present postponed, and that the House do now consider the same;

Which motion was decided in the negative.

The following message was received on yesterday from the Senate, by Mr. Morris their Secretary:

MR. SPEAKER—

The Senate has concurred in the amendments made by the House of Representatives to the engrossed bills of the Senate, entitled as follows:

No. 45—An act to amend the act entitled an act to amend an act entitled an act to establish a College in the State of Indiana;

No. 90—An act to make a State Road from Rockford to Jackson's Saline; and

No. 109—An act to legalize the proceedings of the board of commissioners of the county of Putnam.

The Senate also concur in the amendments proposed by the House to the amendments proposed by the Senate to the engrossed bill of the House entitled as follows:

No. 21—An act for the relief of Nathan Padgett.

They have passed bills of the House entitled acts as follows:

No. 160—An act to incorporate the Washington County Trading and Manufacturing Company;

No. 198—An act to change the times of holding the Courts in the 6th Judicial Circuit;

No. 218—An act declaring an act therein named in force, and for other purposes;

With amendments to each, in which the concurrence of the House of Representatives is requested.

The amendments made by the Senate to the bills of the House, (Nos. 190 and 218) named in said message, were severally read and concurred in by the House.

Ordered, That the Clerk inform the Senate thereof.

The amendment of the Senate made to the bill of the House, (No. 198) named in said message, was read, and,

On motion of Mr. Crume, said bill and amendment was laid on the table.

On motion of Mr. Davis the several orders of the day which precede the bill (No. 194) to provide for the Wabash and Erie Canal, and the commencement of a general system of internal improvement in Indiana, were for the present postponed, and the House proceeded to consider the same.

The question recurred on the motion to amend as proposed by Mr. Shaw, pending when said bill was last under consideration.

And before the vote was had thereon,

The House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

Mr. Howell, from the Joint Committee of Enrolled Bills, reported that they did on this day present to his Excellency the Governor, for his approval and signature, bills, which originated in the Senate, of the following titles, to wit:

No. 12—An act to change the time of holding the Circuit Court in the counties of Vermillion and Parke;

No. 6—An act to organize the county of Wabash.

And the following bills which originated in the House of Representatives, to wit:

No. 124—An act to establish a State Road in the county of Vigo, from the west side of the Wabash River, at Terre Haute, to the State line, in the direction of Paris, Illinois, and for other purposes;

No. 136—An act to incorporate the St. Joseph Iron Company;

No. 137—An act to change the name of Travis Adcock and others;

No. 143—An act to incorporate the Dearborn county seminary;

No. 155—An act to incorporate the Mishawaka Bridge Company;

And a memorial and joint resolution, which originated in the House of Representatives, entitled

No. 195—A memorial and joint resolution in regard to the Pottawatamie and Miami Indians in this State.

Mr. Crume, after having obtained leave, presented the affidavit of Thomas Hinkson, relative to his removal from the office of county surveyor for the county of Fayette, accompanied by a certificate of the Clerk of the Board of Commissioners and Circuit Court of said county;

Which were severally read and referred to the Committee on the Judiciary;

Mr. Chapman moved to suspend the several orders of business for the purpose of introducing a resolution;

Which motion did not prevail.

Mr. Leslie, from the Joint Committee of Enrolled Bills, reported that they have compared the enrolled with the engrossed bills of the House, entitled acts to wit:

No. 183—An act to incorporate the Salem and Ohio Turnpike Company;

No. 199—An act to locate a State Road from the town of Laporte via Waverly to the western boundary of the State;

No. 216—An act relative to the jurisdiction of Justices of the Peace in Clay county;

No. 188—An act to locate a certain State Road therein named;

No. 32—An act to amend an act entitled "an act to provide for the inspection of salt, beef, and flour," approved Jan. 24, 1829;

No. 135—An act to vacate the State Road from Hill's mills, in Rush county, to Samuel A. Hall's, in Hancock county, and Rezin Davis' in Shelby county;

No. 90—An act to abolish the office of Agent of the three per cent. fund;

No. 197—A joint resolution relative to paying the pensioners of Indiana;

And bills of the Senate,

No. 51—An act to establish a State Road from Salisbury, in Harrison county, to Greenville, in Floyd county;

No. 45—An act to amend the act entitled an act to amend an act entitled an act to establish a College in the State of Indiana;

No. 24—An act to vacate part of a certain State Road therein named;

No. 14—An act to amend an act to incorporate the Switzerland county seminary, approved Feb. 1, 1834;

No. 17—An act to authorize the President and Managers of the New Albany school to sell certain real estate;

No. 115—An act to change the time of holding the Probate court of Perry county; and

No. 80—An act to make a State Road from Rockford to Jackson's Saline;

And find them truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

On motion of Mr. Howell the vote heretofore taken on concurring in the amendment made by the Senate to the bill of the House, (No. 132) to amend an act entitled an act to provide for the improvement of the navigation of the Wabash river, was re-considered.

On motion of Mr. Howell said amendment of the Senate was amended by striking out therefrom the words "in equal parts."

Said amendment as amended was then concurred in by the House.

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence in the amendment made by the House to the amendment of the Senate, made to said bill.

On motion of Mr. Kilgore the several orders of the day which precede the bill (No. 194) to provide for the Wabash and Erie Canal, and for the commencement of a general system of internal improvement in Indiana, were postponed, and the House again proceeded to consider the same; and resumed the consideration of the amendment of Mr. Shaw, pending when the House last adjourned.

After discussion, and before the question was had thereon,
The House adjourned until to-morrow morning at 9 o'clock.

FRIDAY MORNING, JAN. 23, 1835.

The House met pursuant to adjournment.

On motion of Mr. Kilgore,

The several orders of the day which precede the bill [No. 194] to provide for the Wabash and Erie Canal, and for the commencement of a general system of Internal Improvement in Indiana, were for the present postponed, and the House proceeded to consider the same.

The question recurred on the amendment proposed by Mr. Shaw, pending when said bill was last under consideration; after argument, and before the question was had thereon,

The House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

Mr. Leslie, from the joint committee of Enrolled Bills, reported that they have compared the enrolled with the engrossed bills, entitled acts as follows, to-wit:

Of the Senate:

No. 98—An act incorporating the Richmond Education Society;

No. 99—An act to amend an act entitled an act to incorporate the town of Lawrenceburgh;

No. 105—An act to provide for the election of a justice of the peace in the town of Carthage in Putnam county;

No. 93—An act to legalize the proceedings of the board of trustees of the county library of Hancock county;

And bills of the House of Representatives:

No. 211—An act for the relief of Benjamin Booe, Martillo Remington, and the estate of Barnabus Crosby;

No. 160—An act to incorporate the Washington County Trading and Manufacturing Company;

And find them truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

A message from the Governor, by Mr. Ketcham, his Private Secretary:

Mr. SPEAKER—

I am directed by his excellency the Governor to inform the House of Representatives that he approved, on the 22d inst., the acts and memorial entitled as follows, which originated in the House of Representatives:

No. 155—An act to incorporate the Mishawaka bridge company;

No. 137—An act to change the name of Travis Adcock and others;

No. 136—An act to incorporate the St. Joseph Iron Company;

No. 143—An act to incorporate the Dearborn County Seminary;

No. 195—A memorial and joint resolution in regard to the Pottowattomie and Miami Indians in this state;

And also, the following which originated in the Senate:

No. 6—An act to organize the county of Wabash;

No. 12—An act to change the time of holding the circuit court in the counties of Vermillion and Parke.

All of which have been filed in the Secretary's Office.

Mr. Kilgore moved to postpone the several orders of the day which precede the bill [No. 194] to provide for the Wabash and Erie Canal and for the commencement of a general system of Internal Improvement in Indiana, and that the House do now consider the same.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bell, Bennett, Bigger, Bradbury, Carr, Chapman, Conwell, Cook, Crume, Curry, Curtis, Davis, Dunning, Evans, Gaddes, Hannaman, Hardesty, Henkle, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Kilgore, Latshaw, Liston, Lockhart, Marshall, M'Calley, McDougale, McIntire, Mendenhall, Moore, Nave, Newman, Parks, Puckett, Ray, Rockhill, Shank, Shaw, Smith of

F., Smith of R., Stafford, Stanford, Storm, Strain, Thompson, Vandever, Vawter, Walker, Wallace, Willet, Wilson of P., Wilson of V., Woodruff, and Gregory, Speaker—59.

And those who voted in the negative are,

Messrs. Bower, Brackenridge, Bryan, Carter of C., Culbertson, Green, Hargrove, Harris, Kelso, Leslie, Lowe, Phelps, Schooling, Torbet, Wilson of H., and Wright—16.

So said motion passed in the affirmative.

The question was then put,

Shall the amendment proposed by Mr. Shaw, pending when said bill was last under consideration, be adopted?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bell, Bigger, Brackenridge, Bradbury, Bryan, Carter of C., Conwell, Culbertson, Curry, Curtis, Dunning, Gaddes, Hannaman, Hardesty, Henkle, Johnston of F., Kilgore, Lockhart, Marshall, McDougle, Newman, Parks, Puckett, Ray, Rockhill, Shaw, Smith of F., Stafford, Stanford, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Willet, Wilson of V., and Gregory, Speaker—38.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bennett, Bower, Carr, Chapman, Cook, Crume, Evans, Green, Hargrove, Harris, Hoagland, Howard, Howell, Johnson of M., Kelso, Latshaw, Leslie, Liston, Lowe, M'Calley, McIntire, Mendenhall, Moore, Nave, Phelps, Schooling, Shank, Smith of R., Storm, Strain, Wilson of H., Wilson of P., Woodruff, and Wright—36.

So said motion passed in the affirmative.

Mr. Hargrove moved further to amend the amendments proposed by the select committee to said bill by adding the following as an additional section, to-wit:

"SEC. So soon as individuals shall subscribe and secure one-third of the amount of the stock necessary to complete that part of the Evansville and Lafayette rail road which lies between Evansville and Vincennes, in the manner as is provided for in the Madison, Indianapolis, and Lafayette rail road, the State doth hereby guarantee to subscribe and secure the other two-thirds necessary to complete said part of said rail road, on the same terms and in the same manner as is provided in said Madison, Indianapolis, and Lafayette rail road."

Before the question was had thereon,

Mr. Howell moved to postpone the further consideration of said bill, with the pending amendments, indefinitely.

And the ayes and noes being requested thereon by two members:

Those who voted in the affirmative are,

Messrs. Armstrong, Bennett, Bower, Brackenridge, Bryan, Carr, Chapman, Cook, Culbertson, Dunning, Green, Hargrove, Harris, Hoagland, Howard, Howell, Latshaw, Leslie, Lowe, M'Calley, M'Dougale, Mendenhall, Phelps, Schooling, Shank, Smith of R., Strain, Torbet, Wilson of H., Wilson of P., and Wright—31.

And those who voted in the negative are,

Messrs. Angle, Bell, Bigger, Bradbury, Carter of C., Conwell, Crume, Curry, Curtis, Davis, Evans, Gaddes, Hannaman, Hardesty, Henkle, Johnson of M., Johnston of F., Kelso, Kilgore, Liston, Lockhart, Marshall, McIntire, Moore, Nave, Newman, Parks, Puckett, Ray, Rockhill, Shaw, Smith of F., Stafford, Stanford, Storm, Thompson, Vandever, Vawter, Walker, Wallace, Willet, Wilson of V., Woodruff, and Gregory, Speaker—44.

So said motion was decided in the negative.

The question then recurred on the amendment moved by Mr. Hargrove;

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bower, Brackenridge, Bryan, Carr, Carter of C., Chapman, Cook, Culbertson, Dunning, Evans, Gaddes, Green, Hargrove, Harris, Hoagland, Howard, Howell, Kelso, Latshaw, Leslie, Lockhart, Lowe, M'Calley, McDougale, McIntire, Mendenhall, Parks, Phelps, Schooling, Shank, Shaw, Smith of R., Strain, Torbet, Vandever, Vawter, Walker, Wilson of H., Wilson of P., Wright, and Gregory, Speaker—42.

And those who voted in the negative are,

Messrs. Angle, Bell, Bennett, Bigger, Bradbury, Conwell, Crume, Curry, Curtis, Davis, Hannaman, Hardesty, Henkle, Johnson of M., Johnston of F., Kilgore, Liston, Marshall, Moore, Nave, Newman, Puckett, Ray, Rockhill, Smith of F., Stafford, Stanford, Storm, Thompson, Wallace, Willet, Wilson of V., and Woodruff—33.

So said amendment was adopted.

Mr. Rockhill moved to re-consider the vote taken this day on the adoption of the amendment proposed by Mr. Shaw to the amendments of the select committee made to said bill.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bigger, Bradbury, Conwell, Crume, Curry, Curtis, Davis, Dunning, Evans, Hannaman, Henkle, Johnson of M., Johnston of F., Kelso, Kilgore, Liston, Marshall, McIntire, Moore,

Nave, Newman, Parks, Puckett, Ray, Rockhill, Smith of F., Stafford, Stanford, Storm, Thompson, Vawter, Walker, Wallace, Willet, Wilson of V., Woodruff, and Gregory, Speaker—39.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bower, Brackenridge, Bryan, Carr, Carter of C., Chapman, Cook, Culbertson, Gaddes, Green, Hardesty, Hargrove, Harris, Hoagland, Howard, Howell, Latshaw, Leslie, Lockhart, Lowe, McCalley, McDougle, Mendenhall, Phelps, Schooling, Shank, Shaw, Smith of R., Strain, Torbet, Vandever, Wilson of H., Wilson of P., and Wright—36.

So said vote was re-considered.

And then the House adjourned until to-morrow morning at nine o'clock.

SATURDAY MORNING, JAN. 24, 1835.

The House met pursuant to adjournment.

Mr. Hardesty, from the committee on enrolled bills, reported that they have compared the enrolled with the engrossed bills, which originated in the Senate, entitled acts, as follows, to wit:

No. 114—an act to authorize the clerk of Posey circuit court to appoint an assessor;

No. 110—an act for the relief of the securities of Russel Comyn, late collector for the county of Dearborn;

No. 109—an act to legalize the proceedings of the board of commissioners of Putnam county; and,

No. 107—an act declaring a county road leading from Mooresville, in Morgan county, to Peter Andrew's, in Shelby county, a State road, And find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

On motion of Mr. Crume,

The bill [No. 198] to change the times of holding the courts in the 6th Judicial circuit, reported from the Senate with an amendment, on the 22d inst, and

Laid on the table;

Was taken up, and the amendment of the Senate concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

The following message was received on yesterday from the Senate, by Mr. Morris, their Secretary:

MR. SPEAKER,

The Senate has passed engrossed bills, &c. of the Senate, entitled acts, &c. as follows:

No. 113—a joint resolution on the subject of Blackford's reports;

No. 121—an act to legalize an election in Spencer county, held by the voters in Congressional township number eight, south of range No. 8 west, to determine whether they should sell the sixteenth section therein;

No. 122—an act to amend an act entitled an act to incorporate the Evansville and Lafayette rail road company, approved Dec. 24, 1834; also,

Engrossed bills of the House, entitled as follows:

No. 78—an act to establish and define certain streets in the town of Lanesville, Harrison county, and for other purposes;

No. 241—an act to provide for the location of a State road therein named;

Both without amendment.

Also, bills of the House, with amendment, entitled as follows:

No. 121—an act to incorporate the Spencer steam mill company;

No. 129—an act to establish a State road from Bowling-green in Clay county, to Osborn's ferry in Green county;

No. 130—an act to incorporate the New Harmony manual labor college, at or adjoining New Harmony, Posey county, Indiana;

No. 167—an act to locate a State road, commencing in Sullivan county, thence through the counties of Vigo, Clay, Parke, and Montgomery; and,

No. 240—an act to amend an act entitled an act to locate a State road from Green-castle, in Putnam county, to Carlisle in Sullivan county, by the way of Manhattan in Putnam county, and Bowling-green and New Brunswick, in Clay county;

In which bills of the Senate, and in the amendments to the six last, entitled bills of the House, the concurrence of the House of Representatives is requested.

The joint resolution of the Senate [No. 113] named in said message, was three times read (the rules of the House having first been dispensed with,) and passed.

Ordered, That the clerk inform the Senate thereof.

Before further consideration was had of said message,

On motion of Mr. Evans,

The several orders of the day which precede the bill [No. 194] to provide for the Wabash and Erie canal, and for the commencement of a general system of internal improvement in Indiana;

Were for the present postponed, and the House proceeded to consider the same.

Mr. Vandever proposed the following as a substitute for Mr. Shaw's pending amendment, which was accepted by Mr. Shaw, as a modification of his said proposed amendment, to wit:

Sec. "That for the construction of a McAdamized turnpike

road from New Albany in Floyd county, on the line of the State road, by the way of Greenville in Floyd, Paoli in Orange, Mount Pleasant in Martin, and Washington in Daviess county, to Vincennes in Knox county, John G. Clendennin and Josiah Hazlewood, of the county of Orange, John Gregg, of the county of Washington, Nathaniel Albertson, Wm. Williams, Samuel G. Wilson, and Hays McCallen, of the counties of Floyd and Harrison; Daniel Brown, Hamlet Sanford, and Thomas Goty, of the counties of Daviess and Martin—and Samuel Langton, Albert Badolet, and Henry D. Wheeler, of the county of Knox, and their successors in office, duly elected and qualified, as may be hereafter provided, in the charter incorporating said company, shall constitute a body politic and corporate, and shall be entitled, by and under the name and style of the “New Albany and Vincennes Turnpike Company,” to all the privileges guaranteed to other corporate bodies in this State.

Sec. That for the purpose of aiding in the construction of said turnpike road, there is hereby appropriated the sum of \$220,000, to be taken in stock, on the same principles that stock is to be taken on the part of the State, in the Madison, Indianapolis and Lafayette railroad, as provided in this act, so soon as the said company shall have organized and complied with the conditions of this act, so far as the same regard the aforesaid Madison, Indianapolis and Lafayette railroad.

Sec. The State hereby reserves to herself, the right at any time hereafter, to take possession of said road with the improvements thereon, and adopting it as a State work.”

The question was then put,

Shall said amendment as modified, be adopted?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bell, Bower, Brackenridge, Bryan, Carter of C., Chapman, Culbertson, Davis, Dunning, Gaddes, Hannaman, Hardesty, Harris, Henkle, Howard, Howell, Kilgore, Latshaw, Leslie, Lockhart, McCalley, McDougle, Parks, Schooling, Shaw, Smith of R., Strain, Thompson, Torbet, Vandever, Vawter, Walker, Wilson of H., and Gregory, speaker—35.

And those who voted in the negative are,

Messrs. Angle, Bennett, Bigger, Bradbury, Carr, Corwell, Cook, Crume, Curry, Curtis, Evans, Green, Hoagland, Johnson of M., Johnston of F., Kelso, Liston, Lowe, Marshall, M’Intire, Mendenhall, Moore, Nave, Newman, Phelps, Puckett, Ray, Rockhill, Shank, Smith of F., Stafford, Stanford, Storm, Wallace, Willet, Wilson of P., Wilson of V., Woodruff, and Wright—39.

So said motion to amend was decided in the negative.

Mr. Thompson moved to amend the amendment reported by the

select committee to said bill, by striking out so much thereof as relates to the road leading from Salem in Washington county via Bedford, Bloomington, Spencer, Greencastle to Crawfordsville, and inserting in lieu thereof the following sections, to wit:

Sec. That for the construction of a McAdamized turnpike road from Salem in Washington county, via Bedford in Lawrence, Bloomington in Monroe, and Greencastle in Putnam, to Crawfordsville in Montgomery county; David G. Campbell and Micah Newby, of the county of Washington; Samuel F. Irwin, Moses Fell, and Samuel D. Bishop, of the county of Lawrence; George H. Johnson, F. T. Butler, and James Axexander, of the county of Monroe; Isaac Ash, William E. Tolbott and Alexander Farrow of the county of Putnam; and John Gilliland and Girardus R. Robbins of the county of Montgomery, and their successors in office, duly elected and qualified as heretofore provided in an act entitled "an act to incorporate the Ohio and Lafayette Rail Road Company," approved February 2d, 1832, shall constitute a body corporate and politic as therein provided, and shall be entitled by and under the name and style of the "Salem and Crawfordsville Turnpike Company," to all the priveleges of the aforesaid act, as well also as all the privileges of an act entitled "an act to amend an act entitled an act to incorporate the Ohio and Lafayette Rail Road Company," approved February 1st, 1834, so far as the aforesaid acts can be applied to the regulation of said company, and the construction of said turnpike.

Sec. That for the purpose of aiding in the construction of said turnpike road, there is hereby appropriated the sum of two hundred and twenty thousand dollars, to be taken in stock, on the same principles that stock is to be taken on the part of the State in the Madison, Indianapolis, and Lafayette Rail Road, as provided in this act, so soon as the said company shall have organized agreeably to the provisions of the charter above referred to, and complied with the aforesaid conditions of the act so far as the same regard the aforesaid "Madison, Indianapolis, and Lafayette Rail Road."

Sec. The State herein reserves to herself the right at any time hereafter to take possession of said road, with the improvements thereon and adopting it as a State work; and also of altering, modifying or changing the charter of the Ohio and Lafayette Rail Road Company, so as to suit its provisions to a McAdamized turnpike road company."

And before the question was had thereon,

Mr. Vandever moved to postpone the further consideration of said bill and proposed amendments indefinitely.

And pending that question,

The House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

Mr. Leslie, from the joint committee on enrolled bills, reported, that they did on yesterday present to His Excellency the Governor, for his

approval and signature, bills which originated in the Senate, entitled as follows:

No. 14—An act to amend an act to incorporate the Switzerland county Seminary, approved February 1st, 1834.

No. 17—An act to authorize the president and managers of the New Albany School to sell certain real estate.

No. 24—An act to vacate part of a certain state road therein named.

No. 45—An act to amend the act entitled "an act to amend an act to establish a college in the State of Indiana."

No. 51—An act to establish a state road from Salisbury in Harrison county, to Greenville in Floyd county.

No. 80—An act to make a state road from Rockford to Jackson's Saline.

No. 115—An act to change the time of holding the Probate Court of Perry county.

Also, bills and a joint resolution which originated in the House of Representatives, of the following titles, to wit:

No. 32—An act to amend an act entitled "an act to provide for the inspection of salt, beef, and flour," approved January 24th, 1829.

No. 90—An act to abolish the office of Agent of the Three per Cent. Fund.

No. 135—An act to vacate the state road from Hill's mills in Rush county, to Samuel Hall's in Hancock county, and Rezin Davis' in Shelby county.

No. 183—An act to incorporate the Salem and Ohio turnpike company.

No. 188—An act to locate a certain state road therein named.

No. 197—A joint resolution relative to paying the pensioners of Indiana.

No. 199—An act to locate a state road from the town of Laporte via Waverly to the western boundary of the State.

No. 216—An act relative to the jurisdiction of Justices of the Peace in Clay county.

No. 160—An act to incorporate the Washington county Trading and Manufacturing Company.

No. 211—An act for the relief of Benjamin Booe, Martello Remington, and the estate of Barnabas Crosby.

No. 93—An act to legalize the proceedings of the Board of Trustees of the County Library of Hancock county.

And also, bills which originated in the Senate, entitled as follows:

No. 99—An act to amend an act entitled "an act to incorporate the town of Lawrenceburgh."

No. 105—An act to provide for the election of a Justice of the Peace in the town of Carthage.

No. 98—An act to incorporate the Richmond Education Society.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

I am directed by his excellency the Governor to inform the House of Representatives that the following act was approved on the 23d inst.:

No. 115—An act to change the time of holding the Probate Court in Perry county;

Which originated in the Senate, and which has been filed in the Secretary's Office.

On motion of Mr. Smith of F.,

The several orders of the day which precede the bill [No. 194] to provide for the Wabash and Erie Canal and for the commencement of a general system of Internal Improvement in Indiana, were for the present postponed; and the House proceeded to consider the same.

Debate arising on the motion of Mr. Vandever to postpone said bill and amendments indefinitely,

Mr. Kelso called for the previous question, which call was seconded by two members;

And was thereupon put,

Shall the main question be now put?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bell, Bennett, Bigger, Bower, Brackenridge, Bradbury, Brett, Carr, Carter of C., Chapman, Conwell, Cook, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Evans, Green, Hannaman, Hardesty, Hargrove, Harris, Henkle, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Kilgore, Latshaw, Liston, Lockhart, Lowe, Marshall, McCalley, McDougale, McIntire, Mendenhall, Nave, Newman, Parks, Phelps, Puckett, Ray, Rockhill, Schooling, Shank, Shaw, Smith of F., Smith of R., Stafford, Stanford, Storm, Strain, Thompson, Torbet, Vandever, Vawter, Wallace, Willet, Wilson of H., Wilson of P., Wilson of V., Woodruff, Wright, and Gregory, Speaker—70.

And those who voted in the negative are,

Messrs. Bryan, Gaddes, Kelso, Leslie, Moore, and Walker—6.

So said previous question passed in the affirmative.

Before the main question was put, Mr. Bryan called for a division of the question on the first amendment;

And it was thereupon put on the first branch thereof, to-wit:

On striking out the 4th section of said bill;

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bower, Brackenridge, Brett, Carr, Chapman, Cook, Culbertson, Dunning, Gaddes, Green, Hargrove, Harris, Hoagland, Howard, Howell, Latshaw, Leslie, Lockhart, Lowe, McCalley, McDougale, Moore, Parks, Phelps, Schooling, Shank, Shaw, Smith of R., Storm, Strain, Torbet, Vandever, Wilson of H., Wilson of P., and Wright—36.

And those who voted in the negative are,

Messrs. Angle, Bell, Bennett, Bigger, Bradbury, Bryan, Carter of C., Conwell, Crume, Curry, Curtis, Davis, Evans, Hannaman, Hardesty, Henkle, Johnson of M., Johnston of F., Kelso, Kilgore, Liston, Marshall, McIntire, Mendenhall, Nave, Newman, Puckett, Ray, Rockhill, Smith of F., Stafford, Stanford, Thompson, Vawter, Walker, Wallace, Willet, Wilson of V., Woodruff, and Gregory, Speaker—40.

So said question was decided in the negative.

The question then recurred on concurring in the second amendment made by the select committee to said bill.

Mr. Evans called for a division of the question;

The first branch thereof was thereupon put, to wit, on striking out;

And the ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bower, Brett, Bryan, Cook, Dunning, Green, Harris, Johnson of M., Leslie, Lowe, McCalley, McDougale, Parks, Phelps, Shank, Smith of R., Storm, Strain, Wilson of H., and Wright—21.

And those who voted in the negative are,

Messrs. Angle, Bell, Bennett, Bigger, Brackenridge, Bradbury, Carr, Carter of C., Chapman, Conwell, Crume, Culbertson, Curry, Curtis, Davis, Evans, Gaddes, Hannaman, Hardesty, Hargrove, Henkle, Hoagland, Howard, Howell, Johnston of F., Kelso, Kilgore, Latshaw, Liston, Lockhart, Marshall, McIntire, Mendenhall, Moore, Nave, Newman, Puckett, Ray, Rockhill, Schooling, Shaw, Smith of F., Stafford, Stanford, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Willet, Wilson of P., Wilson of V., Woodruff, and Gregory, Speaker—55.

So said question was decided in the negative.

The question was then put,

Will the House concur in the third amendment of the select committee made to said bill?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bennett, Bigger, Brackenridge, Bradbury, Brett, Chapman, Conwell, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Evans, Gaddes, Hannaman, Hardesty, Henkle, Howell, Johnson of M., Johnston of F., Kelso, Kilgore, Liston, Marshall, McIntire, Mendenhall, Moore, Nave, Newman, Parks, Puckett, Ray, Rockhill, Schooling, Shank, Smith of F., Stafford, Stanford, Storm, Strain, Thompson, Torbet, Vawter, Walker, Wallace, Willet, Wilson of V., Woodruff, and Gregory, Speaker—52.

And those who voted in the negative are,

Messrs. Armstrong, Bower, Bryan, Carr, Carter of C., Cook, Green, Hargrove, Harris, Hoagland, Howard, Latshaw, Leslie, Lockhart, Lowe, McCalley McDougale, Phelps, Shaw, Smith of R., Vandever, Wilson of H., Wilson of P., and Wright—24.

So the House concurred in said third amendment.

The question then recurred on concurring in the 4th amendment made by said select committee;

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bell, Brackenridge, Brett, Bryan, Carter of C., Cook, Dunning, Gaddes, Green, Hardesty, Harris, Hoagland, Howell, Leslie, McDougale, Moore, Parks, Shaw, Smith of R., Storm, Strain, Torbet, Vandever, Wilson of H., Woodruff, and Wright—26.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bennett, Bigger, Bower, Bradbury, Carr, Chapman, Conwell, Crume, Culbertson, Curry, Curtis, Davis, Evans, Hannaman, Hargrove, Henkle, Howard, Johnson of M., Johnston of F., Kelso, Kilgore, Latshaw, Liston, Lockhart, Lowe, Marshall, McCalley, McIntire, Mendenhall, Nave, Phelps, Puckett, Ray, Rockhill, Schooling, Shank, Smith of F., Stafford, Stanford, Thompson, Vawter, Walker, Wallace, Willet, Wilson of P., Wilson of V., and Gregory, Speaker—49.

So the House disagreed to said fourth amendment.

The question was then put on concurring in the 5th amendment reported by the select committee to said bill;

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bigger, Bradbury, Carter of C., Chapman, Conwell, Crume, Curry, Curtis, Davis, Dunning, Evans, Gaddes, Hannaman, Hardesty, Henkle, Johnson of M., Johnston of F., Kelso, Kilgore, Liston, Marshall, McIntire, Moore, Nave, Newman, Parks, Puckett, Ray, Rockhill, Shaw, Smith of F., Stafford, Stanford, Storm, Thompson, Vawter, Walker, Wallace, Willet, Wilson of V., Woodruff, and Gregory, Speaker—44.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bower, Brackenridge, Brett, Bryan, Carr, Cook, Culbertson, Green, Hargrove, Harris, Hoagland, Howard, Howell, Latshaw, Leslie, Lockhart, Lowe, McCalley, McDougale, Mendenhall, Phelps, Schooling, Shank, Smith of R., Strain, Torbet, Vandever, Wilson of H., Wilson of P., and Wright—32.

So said question passed in the affirmative.

The 6th amendment made to said bill was read and concurred in by the House.

The question was then put on concurring in the 7th amendment made to said bill.

And the ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bower, Brackenridge, Brett, Bryan, Carr, Carter of C., Chapman, Culbertson, Dunning, Evans, Gaddes, Green, Hardesty, Hargrove, Harris, Hoagland, Howard, Howell, Latshaw, Leslie, Lowe, McCalley, McDougale, McIntire, Mendenhall, Parks, Phelps, Schooling, Shank, Shaw, Smith of R., Strain, Torbet, Vawter, Walker, Willet, Wilson of H., Wilson of P., Wilson of V., Wright, and Gregory, Speaker—42.

And those who voted in the negative are,

Messrs. Angle, Bell, Bennett, Bigger, Bradbury, Conwell, Cook, Curtis, Davis, Hannaman, Henkle, Johnson of M., Johnston of F., Kelso, Kilgore, Liston, Lockhart, Marshall, Moore, Nave, Newman, Puckett, Ray, Rockhill, Smith of F., Stafford, Stanford, Storm, Thompson, Vandever, Wallace, and Woodruff—32.

So said amendment was concurred in.

Mr. Smith of R. moved to postpone the further consideration of said bill indefinitely.

Mr. Evans called for the previous question;

Which call was seconded by two members.

Mr. Newman moved to lay said bill on the table.

And the ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bigger, Bradbury, Carr, Carter of C., Conwell, Crume, Curry, Curtis, Davis, Evans, Hannaman, Hardesty, Hargrove, Henkle, Johnson of M., Johnston of F., Kelso, Kilgore, Liston, Marshall, McIntire, Moore, Nave, Newman, Puckett, Ray, Rockhill, Smith of F., Stafford, Stanford, Storm, Thompson, Vawter, Walker, Wallace, Willet, Wilson of V., and Gregory, Speaker—40.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bower, Brackenridge, Brett, Bryan, Chapman, Cook, Culbertson, Dunning, Gaddes, Green, Harris, Hoagland, Howard, Howell, Latshaw, Leslie, Lockhart, Lowe, McCalley, McDougale, Mendenhall, Parks, Phelps, Schooling, Shank, Shaw, Smith of R., Strain, Torbet, Vandever, Wilson of H., Wilson of P., Woodruff, and Wright—36.

So said motion passed in the affirmative.

Mr. Kilgore, agreeably to notice heretofore given, moved the following as an amendment to the standing rules of the House, to wit:

That in all cases where the previous question is called, and the House refuse to sustain the call, and to put the main question, the bill or matter under consideration shall not be deferred or laid over, but the House may immediately proceed to act upon it in the same manner they would have done had not the previous question been called.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bigger, Bradbury, Conwell, Crume, Curry, Curtis, Davis, Evans, Hannaman, Henkle, Johnson of M., Johnston of F., Kelso, Kilgore, Liston, Marshall, McIntire, Nave, Newman, Puckett, Ray, Rockhill, Smith of F., Stafford, Stanford, Thompson, Vawter, Walker, Wallace, Willet, Wilson of V., Woodruff, and Gregory, Speaker—35.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bower, Brackenridge, Brett, Bryan, Carr, Carter of C., Chapman, Cook, Culbertson, Dunning, Gaddes, Green, Hardesty, Hargrove, Harris, Hoagland, Howard, Howell, Latshaw, Leslie, Lockhart, Lowe, McCalley, McDougale, Mendenhall, Moore, Parks, Phelps, Schooling, Shank, Shaw, Smith of R., Storm, Strain, Torbet, Vandever, Wilson of H., Wilson of P., and Wright—41.

Which motion was decided in the negative.

Mr. Wilson of V. moved that the House adjourn until Monday morning at 9 o'clock.

And the ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bigger, Bradbury, Conwell, Crume, Curry, Curtis, Davis, Evans, Hannaman, Johnson of M., Johnston of F., Kelso, Kilgore, Liston, Marshall, Moore, Newman, Ray, Rockhill, Stafford, Stanford, Thompson, Vawter, Willet, and Wilson of V.—27.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bower, Brackenridge, Brett, Bryan, Carr, Carter of C., Chapman, Cook, Culbertson, Dunning, Gaddes, Green, Hardesty, Hargrove, Harris, Henkle, Hoagland, Howard, Howell, Latshaw, Leslie, Lockhart, Lowe, McCalley, McDougale, McIntire, Mendenhall, Nave, Parks, Phelps, Puckett, Schooling, Shank, Shaw, Smith of F., Smith of R., Storm, Strain, Torbet, Vandever, Walker, Wallace, Wilson of H., Wilson of P., Woodruff, Wright, and Gregory, Speaker—49.

So the House refused to adjourn until Monday morning at 9 o'clock.

Mr. Crume moved that the House adjourn until Monday morning at 8 o'clock.

And the ayes and noes being requested by two members,
Those who voted in the affirmative are,

Messrs. Angle, Bell, Bigger, Bradbury, Carr, Carter of C., Conwell Crume, Curry, Curtis, Davis, Evans, Hannaman, Henkle, Johnson of M., Kelso, Kilgore, Liston, Marshall, Moore, Newman, Ray, Rockhill, Smith of F., Smith of R., Stafford, Stanford, Thompson, Vawter, Walker, Wallace, Willet, Wilson of V., Woodruff, and Gregory, Speaker—35.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bower, Brackenridge, Brett, Bryan, Chapman, Cook, Culbertson, Dunning, Gaddes, Green, Hardesty, Harris, Hoagland, Howard, Howell, Johnston of F., Latshaw, Leslie, Lockhart, Lowe, McCalley, McDougale, McIntire, Mendenhall, Nave, Parks, Phelps, Puckett, Schooling, Shank, Shaw, Storm, Strain, Torbet, Vandever, Wilson of H., Wilson of P., and Wright—41.

So said motion was decided in the negative.

Then, on motion, the House adjourned until Monday morning at 10 o'clock.

MONDAY MORNING, JAN. 26, 1835.

The House met pursuant to adjournment.

On motion of Mr. Dunning,

Mr. Lowe had leave of absence from the service of the House during the remainder of the session.

Mr. Vandever moved to suspend the previous orders of business, take up the resolution from the Senate, proposing an adjournment of the two House, sine die, on the first Monday of Feb. next, which was laid on the table on the 16th inst.

Mr. Kelso called for a division of the question.

The first member of said question was thereupon put, to wit:

Shall the order of business be suspended?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bennett, Bigger, Bower, Brett, Bryan, Carr, Chapman, Cook, Culbertson, Dunning, Evans, Gaddes, Hardesty, Hargrove, Hoagland, Howard, Howell, Kilgore, Latshaw, Leslie, Liston, Lockhart, McCalley, McDougale, M'Intire, Mendenhall, Nave, Parks, Phelps, Schooling, Shank, Shaw, Smith of R., Stanford, Strain, Torbet, Vandever, Wilson of P., Woodruff, and Wright—42.

And those who voted in the negative are,

Messrs. Bell, Brackenridge, Bradbury, Conwell, Crume, Curry, Curtis, Davis, Green, Hannaman, Harris, Henkle, Johnston of F., Kelso, Marshall, Moore, Newman, Puckett, Ray, Rockhill, Smith of F., Stafford, Storm, Thompson, Vawter, Wallace, Willet, Wilson of V., and Gregory, speaker—29.

So the House determined to suspend the orders of business.

The said resolution was then taken up.

The question recurring on the motion of Mr. Howell, to reciprocate the same.

Mr. Kelso moved to amend said motion, by fixing on Saturday the 7th of February, for such adjournment, instead of the first Monday.

Mr. Bigger proposed the 5th day of February.

Mr. Crume proposed the 2d Monday in February.

Mr. Lockhart moved to postpone the further consideration of said resolution, and motions in relation thereto, until Saturday next.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bell, Bigger, Brackenridge, Bradbury, Carter of C., Chapman, Conwell, Crume, Curry, Curtis, Davis, Evans, Green, Hannaman, Harris, Henkle, Johnston of F., Kelso, Kilgore, Leslie, Liston, Lockhart, Marshall, M'Intire, Newman, Puckett, Ray, Rockhill, Schooling, Smith of F., Stafford, Storm, Strain, Thompson, Torbet, Vawter, Walker, Wallace, Willet, Wilson of P., Wilson of V., and Gregory, speaker—42.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bennett, Bower, Brett, Bryan, Carr, Cook, Culbertson, Dunning, Gaddes, Hardesty, Hargrove, Hoagland, Howard, Howell, Johnson of M., Latshaw, McCalley, McDougale, Mendenhall, Moore, Nave, Parks, Phelps, Shank, Shaw, Smith of R., Stanford, Vandever, Woodruff and Wright—32.

So the further consideration of said resolution and motions, was postponed until Saturday next.

The House resumed the consideration of the message from the Senate, arrested on Saturday morning last by a vote of postponement.

The engrossed bills of the Senate No. 121 and 122 named therein, were severally read three time, by consent, and passed.

Ordered, That the clerk inform the Senate thereof.

The amendments made by the Senate to the said bills of the House, No. 121, 167, and 240, the second amendment to said bill, [No. 129] and the first and second amendments to said bill, [No. 130] were severally read and agreed to.

The other amendments to the two last named bills, were disagreed to by the House.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate on Saturday last, by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate concurs in the amendment proposed by the House to the 2d amendment proposed by the Senate to the engrossed bill of the House,

No. 45—entitled an act to amend an act entitled an act regulating the practice in chancery, approved Feb. 10, 1831.

They have passed an engrossed bill of the Senate,

No. 38—entitled an act to amend an act to regulate marriages, approved Feb. 4, 1831; also,

Bills of the House, entitled as follows:

No. 230—an act to establish a State road from Martinsville, in Morgan county via Middletown, in Owen county, to John Chance's ferry, on Eel river, thence to Hayne's old cabin, in Vigo county;

No. 232—an act requiring the county of Cass to pay to the county of Miami, the county revenue collected within the county of Miami, in the year 1834;

No. 237—an act to alter a part of the Mooresville and Crawfordsville State road, lying between Mooresville and the National road, in Hendricks county, without amendment; and,

No. 74—an act providing for the holding of the terms of the circuit courts in the 8th judicial circuit;

No. 139—an act to organize the county of Kosciusko; and,

No. 148—an act to establish a State road from Connersville to St. Omer and Columbus, with amendments to each.

In which bills of the Senate, and the amendments proposed to the bills of the House, the concurrence of the House of Representatives is requested.

The said bill of the Senate, [No. 38] was twice read, (the rules of the House having first been dispensed with,) and committed to the committee on the Judiciary.

The said amendment of the Senate to the bills of the House No. 74 and 148, were severally read and agreed to.

The amendments made by the Senate to said bill, (No. 139) was agreed to by the House.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate on Saturday last, by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate concurs in the amendment proposed by the House, to the first amendment proposed by the Senate to the engrossed bill of the House,

No. 132—entitled an act to amend an act entitled an act to provide for the improvement of the navigation of the Wabash river;

The Senate has passed a bill of the Senate,

No. 42—entitled an act in furtherance of an act to provide a fund for the encouragement of common schools, approved Feb. 2, 1832, in which the concurrence of the House of Representatives is requested.

The bill of the Senate [No. 42] named in said message, was twice read by consent, and committed to the committee on education.

On motion of Mr. Kelso,

Mr. Couwell was added to the committee on education.

The following message was received from the Senate on Saturday last, by Mr. Morris their Secretary, to wit:

Mr. SPEAKER—

The Senate has passed a bill of the Senate entitled as follows:

No. 2—An act to incorporate the Lexington Steam Mill Company;

Also, bills of the House entitled as follows:

No. 64—An act to attach certain territory to the county of Warren and for other purposes;

No. 147—An act to locate a state road from the Brookville state road via Fairfield, Dunlapville, and Brownsville, to Richmond in Wayne county;

No. 156—An act granting relief to Asa Smith and others;

No. 158—An act to amend an act to incorporate the town of Lafayette;

No. 162—An act to amend an act entitled an act for the inspection of flour, beef, and salt, approved January 21, 1829;

No. 168—An act for the relief of Jesse Daver of Monroe county;

No. 169—An act to declare a certain county road therein named a state road;

No. 174—An act to locate and establish certain state roads therein named, and for other purposes;

No. 222—An act to locate and establish a state road from Michigantown, in Clinton county, to Andersontown, in Madison county;

No. 238—An act for the relief of the heirs of Allen Major, late of Shelby county, deceased;

No. 233—An act to provide for the location of a state road from Marion, in Grant county, to Huntington; and

No. 182—An act to extend a state road to Hayden's ferry;

Without amendment.

Also, bills, &c. of the House with amendments to each, entitled as follows:

No. 44—An act to incorporate the Fort Wayne and Laporte Turnpike Company;

No. 52—A joint resolution on the subject of exchanging books with the several States;

No. 73—An act to amend an act entitled an act to re-locate a part of the state road from Levenworth to Paoli, approved February 1, 1834—and likewise to amend an act entitled an act to establish a state road from Rome in Perry county, to Paoli in Orange county, approved February 1, 1834;

No. 87—An act to incorporate the Buffalo and Mississippi Rail Road Company;

No. 126—An act laying out all the unorganized territory to which the Indian title has been extinguished in this state into a suitable number of counties, and for other purposes;

No. 163—A joint resolution and memorial relative to certain saline reservations therein mentioned; and

No. 170—An act to authorize Michael E. Israel to build a toll bridge across Hogan creek in Dearborn county;

In which bills of the Senate, and the amendments proposed to the several engrossed bills of the House, I am instructed to ask the concurrence of the House of Representatives;

Which message was read, and before consideration of the business therein,

The House adjourned until 2 o'clock P. M.,

2 o'clock P. M.

The House met pursuant to adjournment.

The orders of the day being for that purpose suspended,

Mr. Dunning moved the following resolution, which was read, and, on motion of Mr. Crume, laid on the table, to-wit:

Resolved, That the Enrolling Clerk be authorized to employ such assistance as may be necessary to enable him to have the enrolling finished by the adjournment of the Legislature, and that the committee of Ways and Means be directed to provide compensation for such assistance in the specific appropriation bill.

Mr. Bigger (having obtained leave) moved the following resolution, which was read and adopted:

Resolved, That whenever this House makes an adjournment it shall be to meet at 8 o'clock in the morning and half past one in the afternoon.

Mr. Chapman moved to suspend for the present the orders of the day, and to proceed with the consideration of messages heretofore received from the Senate;

Which motion did not prevail.

The House then proceeded to consider the orders of the day.

On motion of Mr. Willet,

The committee of the whole House, to which was committed the bill [No. 244] to revive and continue in force for a limited time the act to incorporate the Farmers' and Mechanics' Bank of Indiana, was discharged from the further consideration thereof.

Mr. Willet moved that said bill be indefinitely postponed;

And the ayes and noes being requested thereon by two members:

Those who voted in the affirmative are,

Messrs. Armstrong, Bennett, Bower, Brackenridge, Bradbury, Brett, Bryan, Carr, Cook, Culbertson, Curtis, Evans, Gaddes, Green, Har-

desty, Hargrove, Howell, Johnson of M., Johnston of F., Kilgore, Latshaw, Leslie, M'Calley, M'Dougale, McIntire, Mendenhall, Moore, Nave, Newman, Parks, Puckett, Ray, Schooling, Shank, Shaw, Smith of R., Stanford, Storm, Willet, Wilson of P., Wilson of V., and Wright—42.

And those who voted in the negative are,

Messrs. Angle, Bell, Bigger, Carter of C., Chapman, Conwell, Crume, Curry, Davis, Dunning, Hannaman, Harris, Henkle, Hoagland, Howard, Kelso, Liston, Lockhart, Marshall, Phelps, Rockhill, Smith of F., Stafford, Strain, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Wilson of H., Woodruff, and Gregory, Speaker—33.

So said bill was indefinitely postponed.

Engrossed bills, &c., of the following titles:

A bill [No. 221] to incorporate the Wayne and Union Turnpike Company, and the Brownsville and Centreville Turnpike Company;

A bill [No. 159] to establish a certain state road in Delaware and other counties;

A joint resolution [No. 60] relative to the printing of the law of the United States on the subject of the surveying of the public lands;

A bill [No. 61] to repeal part of an act supplemental to an act or acts incorporating the borough of Vincennes, approved January 27, 1834;

A bill [No. 229] to incorporate the Leesville Steam Mill Company;

A bill [No. 65] to amend the act entitled an act to provide for draining the swamps, ponds, marshes, and other low lands within the counties of Tippecanoe, Montgomery, Clinton, and Warren;

A bill (No. 68) to amend an act entitled an act for the relief of the securities of certain officers, approved 1st February 1834;

A bill (No. 69) to authorize the district trustees of the Edinburgh school district, in congressional township No. 11, north of range No. 5. E. in Johnson county, to appropriate \$50 to the building of a school house in said district;

A bill (No. 75) relative to writs of mandamus, procedendo, and prohibition;

A bill (No. 77) to locate a state road from New-Harmony to Evansville; and

A bill (No. 235) supplemental to an act to extend the provisions of an act therein named to Marion county,

Were severally read the third time and passed.

Ordered, That said bills be entitled acts and the Clerk carry them, together with said joint resolution, to the Senate and ask their concurrence.

The engrossed bill (No. 236) to amend an act entitled an act to encourage the killing of wolves, approved Feb. 10, 1831,

Was read the third time; and, on the question

Shall the bill pass?

The ayes and noes being requested by two members;

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bigger, Brett, Carr, Carter of C., Chapman, Conwell, Cook,

Culbertson, Curry, Davis, Dunning, Evans, Gaddes, Green, Hannaman, Hardesty, Harris, Henkle, Hoagland, Kelso, Kilgore, Latshaw, Liston, Marshall, McDougle, McIntire, Newman, Puckett, Rockhill, Schooling, Shank, Shaw, Smith of F., Thompson, Torbet, Walker, Wallace, Wilson of H., Wilson of P., Wilson of V., Woodruff, Wright, and Gregory, Speaker—45.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Brackenridge, Bradbury, Bryan, Crume, Curtis, Hargrove, Howard, Howell, Johnson of M., Johnston of F., Leslie, Lockhart, McCalley, Mendenhall, Moore, Nave, Parks, Phelps, Ray, Smith of R., Stafford, Stanford, Storm, Strain, Vandever, Vawter, and Willet—29.

So said bill passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Howell, from the committee of enrolled bills, reported that they have compared the enrolled with the engrossed bills which originated in the House of Representatives, entitled as follows:

No. 21—An act for the relief of Nathan Padgett.

No. 132—An act to amend an act entitled an act to provide for the improvement of the navigation of the Wabash river.

No. 137—An act to alter a part of the Mooresville and Crawfordsville state road lying between Mooresville and the National Road in Hendricks county.

And a joint resolution which originated in the Senate entitled as follows:

No. 113—A joint resolution on the subject of Blackford's Reports.

And find the same truly enrolled.

Whereupon the Speaker signed said bills and joint resolution.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

The engrossed bill (No. 212) to amend an act entitled an act to incorporate the Indianapolis and Lawrenceburgh rail road company, approved Feb. 2, 1832,

Was read the third time; and on the question

Shall said bill pass?

The ayes and noes being requested by two members;

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bigger, Bryan, Carter of C., Chapman, Evans, Green, Hannaman, Howard, Johnson of M., Johnston of F., Kelso, Kilgore, McDougle, McIntire, Puckett, Ray, Schooling, Shank, Smith of F., Smith of R., Thompson, Torbet, Vawter, Walker, Wallace, Willet, Woodruff, and Gregory, Speaker—31.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bower, Brackenridge, Bradbury, Brett, Carr, Conwell, Cook, Crume, Culbertson, Curry, Curtis, Gaddes, Hardesty, Hargrove, Harris, Howell, Latshaw, Leslie, Liston, Lockhart, McCalley, Mendenhall, Moore, Nave, Newman, Parks, Phelps, Rockhill, Shaw, Stanford, Storm, Strain, Vandever, Wilson of H., Wilson of P., Wilson of V., and Wright—39.

So said bill was rejected.

The engrossed bill (No. 62) to amend an act entitled an act for the encouragement of education, was read the third time.

Mr. Vandever moved to postpone the further consideration thereof indefinitely.

And the ayes and noes being requested thereon by two members;

Those who voted in the affirmative are,

Messrs. Hargrove, Howell, Kelso, McDougle, Nave, Storm, Vandever, and Wright—8.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bennett, Bigger, Bower, Bradbury, Brett, Bryan, Carr, Carter of C., Conwell, Cook, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Gaddes, Hannaman, Hardesty, Harris, Henkle, Hoagland, Howard, Johnson of M., Johnston of F., Kilgore, Latshaw, Leslie, Liston, Lockhart, Marshall, McCalley, McIntire, Mendenhall, Moore, Newman, Parks, Phelps, Puckett, Ray, Rockhill, Schooling, Shank, Shaw, Smith of F., Smith of R., Stafford, Stanford, Strain, Thompson, Torbet, Vawter, Walker, Wallace, Willet, Wilson of H., Wilson of P., Wilson of V., Woodruff, and Gregory, Speaker—62.

So said motion was decided in the negative.

Whereupon,

On motion of Mr. Kelso, it was ordered that said bill do lie on the table.

The engrossed bill from the Senate (No. 13) to vacate a part of the state road leading from Corydon in Harrison county, to Troy in Perry county, and for other purposes, was read the third time and passed.

Ordered, That the Clerk do acquaint the Senate therewith.

The bill [No. 92] reducing the fees of recorders in the counties of Washington and Orange and for other purposes, was read a second time.

Mr. Kilgore moved that it be postponed indefinitely.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bradbury, Curry, Green, Hannaman, Henkle, Kilgore, Nave, Newman, Willet, and Wright—10.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bell, Bennett, Bigger, Bower, Brackenridge, Brett, Bryan, Carr, Carter of C., Chapman, Conwell, Cook, Crume, Culbertson, Curtis, Davis, Dunning, Evans, Gaddes, Hardesty, Hargrove, Harris, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Kelso, Latshaw, Leslie, Liston, Lockhart, Marshall, McCalley, McDougle, McIntire, Mendenhall, Moore, Parks, Phelps, Puckett, Ray, Rockhill, Schooling, Shank, Shaw, Smith of F., Smith of R., Stafford, Stanford, Storm, Strain, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Wilson of H., Wilson of P., Wilson of V., Woodruff, and Gregory, Speaker—65.

So said motion was determined in the negative.

On motion of Mr. Strain, so much of said bill as allows the Record-

ers 25 cents for receiving and receipting for deeds and mortgages, was stricken out.

A motion was made by Mr. Conwell, so to amend the bill as to exempt present incumbents from its operations;

Which did not prevail.

On motion of Mr. Johnson of M., the county of Marion was embraced in the provisions of the bill.

Mr. Willett moved to recommit the bill to the committee on the judiciary, with instructions to make its provisions general, to reduce the fee for recording deeds and mortgages to 75 cents, and other services in the same ratio;

Which motion did not prevail.

On motion of Mr. Nave, so much as fixed the amount of the penalty for extortion was stricken out, and a sum equal to ten fold the amount extorted, substituted in lieu thereof.

Mr. Newman moved to insert in the bill, this additional clause:

"And for receiving and receipting for each deed, twelve and one half cents;"

Which motion was decided in the negative.

Mr. Lockhart moved to dispense with the rules of the House, to consider the bill as engrossed, and read it a third time now.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bell, Bigger, Bower, Brett, Bryan, Carr, Carter of C., Chapman, Conwell, Cook, Crume, Culbertson, Curtis, Dunning, Evans, Gaddes, Hardesty, Hargrove, Harris, Henkle, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Kelso, Latshaw, Leslie, Liston, Lockhart, M'Calley, McDougle, McIntire, Mendenhall, Moore, Nave, Newman, Parks, Phelps, Ray, Schooling, Shank, Shaw, Smith of F., Stanford, Storm, Strain, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Wilson of H., Wilson of P., Wilson of V., Woodruff, Wright, and Gregory—61.

And those who voted in the negative are,

Messrs. Brackenridge, Bradbury, Hannaman, Kilgore, Marshall, Rockhill, and Willet—6.

So said motion passed in the affirmative.

The said bill was then read the third time;

And on the question, shall the bill pass?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bell, Bower, Brett, Bryan, Carr, Carter of C., Chapman, Cook, Crume, Culbertson, Davis, Dunning, Evans, Gaddes, Hardesty, Hargrove, Harris, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Kelso, Latshaw, Leslie, Liston, Lockhart,

M'Calley, McDougale, McIntire, Mendenhall, Moore, Parks, Phelps, Schooling, Shank, Shaw, Smith of F., Stafford, Storm, Strain, Thompson, Torbet, Vandever, Walker, Wilson of H., Wilson of P., Woodruff, Wright and Gregory, Speaker—51.

And those who voted in the negative are,

Messrs. Bennett, Bradbury, Conwell, Curtis, Hannaman, Henkle, Kilgore, Marshall, Newman, Puckett, Ray, Rockhill, Vawter, Wallace, Willet, Wilson of V.,—16.

So said bill passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

On motion of Mr. Crume, the vote taken this day on the question of the passage of the engrossed bill (No. 212) to amend an act entitled an act to incorporate the Indianapolis and Lawrenceburgh Rail road Company, approved February 2, 1832, was re-considered, and

On motion of Mr. Crume, said bill was re-committed to a select committee.

Ordered, That Messrs. Crume, Kelso, Bryan, Walker, Shank, Torbet, Howard, and Smith of R., be that committee.

On motion of Mr. Liston, the bill (No. 210) to appropriate certain moneys out of the 3 per cent. fund, and for other purposes, laid on the table on the 16th inst. was taken up, and committed to a select committee; whereupon,

Messrs. Liston, Chapman, Rockhill, Carter of C., and Davis were appointed that committee.

And then the House adjourned until to-morrow morning at nine o'clock.

TUESDAY MORNING, JAN. 27, 1835.

The House met pursuant to adjournment.

Mr. Evans, after having obtained leave, presented a bill (No. 249) to provide for a survey and estimate of cost of a continuation of the Wabash and Erie Canal;

Which was read the first time and passed to a second reading.

The House resumed the consideration of the message from the Senate, pending at the adjournment of the House on yesterday morning.

The engrossed bill of the Senate, (No. 2) named therein, was twice read by consent, and ordered to be read a third time to-morrow.

The several amendments made by the Senate to the said joint reso-

lution of the House, (No. 52) and to the said bills of the House, (Nos. 44 and 87) were severally read and agreed to.

The amendment of the Senate to the said bill of the House (No. 73) was,

On motion of Mr. Phelps,

Amended by inserting "eight" after "forty;"

And as amended was concurred in by the House.

Ordered, That the Clerk inform the Senate thereof and ask their concurrence in the amendment of the House to the amendment of the Senate.

The amendments of the Senate made to the bill of the House, (No. 87) were severally read and concurred in by the House.

The several amendments of the Senate to the bill of the House, (No. 126) and to the joint resolution of the House (No. 163) named in said message, were read and disagreed to by the House.

The amendment of the Senate to the bill of the House, (No. 170) named in said message, was read, and,

On motion of Mr. Kelso,

Amended by striking out "two years" and inserting in lieu thereof "three years;"

Said amendment as amended was then concurred in by House.

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence in the amendment of the House to the said amendment of the Senate.

The following message was received on Saturday last from the Senate, by Mr. Morris their Secretary:

MR. SPEAKER—

The Senate has passed an engrossed bill of the Senate (No. 111) entitled an act to provide for the further prosecution of the Wabash and Erie Canal.

In which the concurrence of the House of Representatives is requested.

The bill named in said message was read the first time, when

Mr. Green moved to dispense with the rules of the House, and that said bill be read the second time now.

And the ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bower, Brackenridge, Brett, Bryan, Carr, Carter of C., Chapman, Cook, Culbertson, Curtis, Davis, Dunning, Evans, Gaddes, Green, Hannaman, Hardesty, Hargrove, Harris, Henkle, Hoagland, Howard, Howell, Johnson of M., Kilgore, Latshaw, Leslie, Liston, Lockhart, McCalley, McDougale, McIntire, Moore, Parks, Phelps, Puckett, Rockhill, Schooling, Shank, Shaw, Smith of R., Storm, Strain, Torbet, Vandever, Vawter, Walker, Wilson of H., Wilson of P., Wilson of V., Woodruff, Wright, and Gregory, Speaker—55.

And those who voted in the negative are,

Messrs. Bell, Bennett, Bigger, Bradbury, Conwell, Crume, Curry Johnston of F., Kelso, Marshall, Mendenhall, Nave, Newman, Ray Smith of F., Stafford, Stanford, Wallace, and Willet—19.

So said motion passed in the affirmative.

Said bill was then read the second time.

Mr. Kilgore moved to amend it by inserting after the 9th section the following sections, to wit:

"Sec. The canal commissioners are hereby authorized and directed to examine and survey, during the ensuing summer and fall, if practicable, a canal route from Muncietown, on White river, to the Wabash river, or to some point on the Ohio river, as may be deemed most expedient; also the Wabash and Erie canal from Fort Wayne to the Ohio line; a detailed report of which surveys and examinations, together with an estimate of the practicability, cost, and probable utility of the said works, with such other matters connected with the same as the said commissioners may deem expedient, they shall lay before the Legislature as early during its next session as practicable.

"Sec. The Governor of the State is hereby authorized and directed to employ a competent engineer or engineers who shall during the ensuing summer or fall make an examination, survey, and estimate of a route for a rail road or turnpike from Madison by the way of Indianapolis to Lafayette; also a route for a rail or turnpike road from Crawfordsville, by the way of Greencastle, Bloomington, Bedford, and Salem, to New Albany; and also a route for a rail road from Evansville to Vincennes; a detailed report of which surveys and estimates, the cost of construction, the practicability, and probable utility of which works, the said engineers shall report to the next Legislature at as early a day as possible.

"Sec. The Governor is hereby authorized and directed to appoint some suitable person as a commissioner for the purpose of receiving releases along the line of the White-water canal; and the said commissioner shall before the next session of the Legislature, receive from all owners of property, through which said canal may pass, on either side of the river, should any change be made in the line, who may be willing to execute the same, releases of the right of way, and of all damages to such property by the construction of said canal; which releases, when executed by any owner of property, to be affected by said canal, and attested and certified by said commissioner, shall forever be a bar to any claim for damages by any such person; which said releases shall be filed by the said commissioner in the office of the Secretary of State, previous to the next session of the Legislature.

"Sec. The expense of the several surveys, hereby authorized, and also the expense of taking the releases of damages on the White-water canal, shall be defrayed out of the moneys hereby appropriated to the Wabash and Erie canal, the amount of which shall hereafter be refunded by the State to the said Wabash and Erie canal."

On motion of Mr. Evans,

Said amendment was amended by inserting before the last section thereof, the following:

Sec. "The canal commissioners shall cause to be made, as soon as practicable, a survey and estimate of the cost of construction of a continuation of the Wabash and Erie canal, from Lafayette to Terre Haute—a detailed report of which survey and estimate of cost shall be laid before the next General Assembly, as early in the session as possible."

On motion of Mr. Newman,

The said amendment was further amended by inserting in the clause having relation to the White-water canal the following:

"And also to take releases and conveyances of suitable timber, stone, and other materials, for the construction of said canal."

On motion of Mr. Angle,

That part of said proposed amendment, locating the route of the road from Madison to Lafayette, was amended by making Crawfordsville a point.

On motion of Mr. Nave,

Danville was also made a point.

Mr. Hannaman moved further to amend said proposed amendment, as follows:

Before "Muncietown" insert "the most eligible point on the Wabash and Erie canal, thence to—"

And after, the word "Muncietown," insert, "or some convenient point on the west fork of the White river, thence—"

Which motion did not prevail.

On motion of Mr. Rockhill,

The proposed amendment was further amended, by adding the following section:

Sec. "The canal commissioners of the Wabash and Erie canal shall as soon as practicable, continue the survey and estimates of the Whith river canal, north from Munceytown, to intersect the Wabash and Erie canal, at some eligible point, and report the same to the next General Assembly."

Mr. Chapman moved further to amend said amendment, by adding thereto the following sections:

Sec. "That the said commissioners in this act specified, shall, if found practicable the ensuing summer, cause a survey for a rail-route, through the north part of Indiana, in a direction from the Maumee bay in Ohio, to the west line of the State, in a direction to the Rapids of the Illinois river to be made, and report an estimate of the cost for the construction of a rail-road, to the next session of the General Assembly.

Sec. "That after said commissioners have caused said route to be surveyed by competent engineers, and the construction of said work found practicable by said engineers, and provided two thirds of the capital stock, which may be found necessary for the construction of a rail-road, shall be subscribed on the part of individuals for any useful

section of said route, the commissioners in behalf of the State, shall subscribe and pay into said corporation, one third of the capital necessary for the construction of said rail-road—in which case the Governor of the State shall appoint three directors to said corporation, who shall hold their offices for the term of one year, and until their successors are appointed.”

Mr. Brackenridge called for the previous question, which was seconded by two members—pending that question.

Mr. Kilgore moved to lay the bill and proposed amendments on the table;

And before the question was had thereon,

The House adjourned.

Half past one o'clock, P. M.

The House met pursuant to adjournment.

A message [from] the Governor by Mr. Ketcham, his private secretary:

MR. SPEAKER,

I am directed by his Excellency the Governor, to report to the House of Representatives the following acts and joint resolution, approved on the 26th inst.:

An act [No. 90] to abolish the office of agent of the Three per cent. Fund;

An act [No. 32] to amend an act entitled an act to provide for the inspection of salt, beef, and flour, approved Jan. 24, 1829;

An act [No. 199] to locate a State road from the town of Laporte via Waverly to the western boundary of the State;

An act [No. 135] to vacate the State road from Hills' mills in Rush county, to Samuel A. Hall's in Hancock county, and Rezin Davis' in Shelby county;

An act [No. 216] relative to the jurisdiction of justices of the peace in Clay county;

An act [No. 211] for the relief of Benjamin Booe, Martello Remington, and the estate of Barnabas Crosby;

An act [No. 124] to establish a State road in the county of Vigo, from the west side of the Wabash river, at Terre Haute, to the State line in the direction of Paris, Illinois, and for other purposes;

An act [No. 188] to locate a certain State road therein named;

A joint resolution [No. 197] relative to paying the pensioners of Indiana;

Which originated in the House of Representatives,

And, also, the following acts, approved the same date—and which originated in the Senate:

An act [No. 80] to make a State road from Rockford to Jackson's Saline;

An act [No. 45] to amend an act entitled an act to amend an act entitled an act to establish a college in the State of Indiana;

An act [No. 98] incorporating the Richmond education society;

An act [No. 51] to establish a State road from Salisbury in Harrison county to Greenville in Floyd county;

An act [No. 93] to legalize the proceedings of the board of trustees of the county library of Hancock county;

An act [No. 105] to provide for the election of a justice of the peace in the town of Carthage, in Putnam county;

An act [No. 14] to amend an act to incorporate the Switzerland county seminary, approved Feb. 1, 1834;

An act [No. 24] to vacate part of a certain State road therein named;

An act [No. 99] to amend an act entitled an act to incorporate the town of Lawrenceburgh;

An act [No. 17] to authorize the president and managers of the New Albany school to sell certain real estate;

All of which have been filed in the Secretary's office.

Mr. Evans moved to postpone for the present, the orders of the day, and to consider the engrossed bill from the Senate (No. 111) depending at the last adjournment.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bell, Bigger, Bower, Brackenridge, Brett, Bryan, Carr, Carter of C., Chapman, Cook, Culbertson, Davis, Evans, Green, Hargrove, Harris, Henkle, Howard, Howell, Johnson of M., Latshaw, Leslie, Liston, Lockhart, McCalley, McDougale, M'Intire, Parks, Phelps, Rockhill, Schooling, Shank, Shaw, Smith of R., Stanford, Strain, Vandever, Vawter, Wilson of H., Wilson of P., and Wright—43.

And those who voted in the negative are,

Messrs. Bennett, Bradbury, Conwell, Crume, Curry, Curtis, Dunning, Gaddes, Hannaman, Hardesty, Johnston of F., Kelso, Kilgore, Marshall, Mendenhall, Moore, Nave, Newman, Puckett, Ray, Smith of F., Stafford, Storm, Torbet, Walker, Wallace, Willet, Wilson of V., Woodruff, and Gregory, speaker—30.

So said motion passed in the affirmative. Whereupon,

The call for the previous question was withdrawn by Mr. Brackenridge, and the motion to lay on the table was withdrawn by Mr. Kilgore.

On motion of Mr. Crume,

The vote on concurring in the amendment proposed by Mr. Rockhill to the said amendment of Mr. Kilgore, was reconsidered.

The question recurred on the adoption of said amendment.

And the ayes and noes being requested by two members;

Those who voted in the affirmative are,

Messrs. Bell, Brett, Bryan, Chapman, Green, Kelso, Kilgore, Liston, McDougle, Moore, Nave, Newnan, Puckett, Rockhill, Thompson, Vandever, Willet, Wilson of P., and Woodruff—19.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bennett, Bigger, Bower, Brackenridge, Bradbury, Carr, Carter of C., Conwell, Cook, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Evans, Gaddes, Hannaman, Hardesty, Hargrove, Harris, Henkle, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Leslie, Lockhart, Marshall, McCalley, McIntire, Mendenhall, Parks, Phelps, Schooling, Shank, Shaw, Smith of F., Smith of R., Stafford, Stanford, Storm, Strain, Torbet, Vawter, Walker, Wallace, Wilson of H., Wilson of V., Wright, and Gregory, Speaker—54.

So said amendment was not adopted.

The question then recurred on the pending amendment of Mr. Chapman to the said amendment moved by Mr. Kilgore.

And being put,

It was decided in the negative.

On motion of Mr. Nave,

The said amendment was further amended by striking out so much as provides for a survey of the White river canal, and by inserting in lieu thereof the following:

"Sec. That the canal commissioner are hereby authorised and directed, and it is hereby made their duty early in the ensuing summer, to employ a competent engineer or engineers, to survey and locate a route for a canal from Muncietown on the west fork of White river via Indianapolis, to a point at or near the junction of the White rivers, and thence to some suitable point on the Ohio river, a plat of which said survey when completed, shall be filed in the office of the Secretary of State by the engineer.

"Sec. It shall be the duty of the engineer to make estimates of the expense of said canal route, with its practicability or impracticability, and lay the same before the General Assembly at their next session, and all such other matters as he may deem advisable."

On motion of Mr. Vandever,

Said amendment was further amended by adding thereto the following section:

"Sec. That a survey and estimate of the practicability and probable expense of a McAdamized turnpike road from the town of New-Albany in Floyd county via Greenville, Fredericksburgh, Paoli, Mount Pleasant, and Washington to Vincennes, in Knox county, be made as is provided for the survey of the New-Albany and Crawfordsville road, and also that an estimate be made of the probable cost of constructing bridges across the east and west forks of White river and the practicability of constructing said bridges."

Mr. Moore moved further to amend said amendment by making Spencer a point in the Crawfordsville and New-Albany road therein named.

Which motion did not prevail.

On motion of Mr. Armstrong,

Said amendment was further amended by adding the following section:

"Sec. That said engineers shall examine and survey a route for a canal from or near Indianapolis to the Ohio river at or near Jeffersonville, and if found not

practicable to construct a canal between said points, then said engineers shall survey a route for a rail or turnpike road from Jeffersonville to intersect the rail road line in this act, directed to be surveyed from Madison to Indianapolis, at or near Columbus, and report the same, with the proper estimates for either kind of improvement, as directed for other surveys of a like nature."

The Speaker moved further to amend said amendment (Mr. Kilgore being in the chair) by adding thereto the following:

"That the engineers employed as aforesaid, shall the ensuing summer, cause a survey to be made with an eye to a McAdamized turnpike road from Crawfordsville via Pleasant Hill by the way of Newtown and Rob Roy to the banks of the Wabash river, opposite Williamsport, and report the practicability of the same."

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bennett, Bradbury, Bryan, Carr, Chapman, Curry, Davis, Dunning, Evans, Hannaman, Henkle, Kelso, Kilgore, Lockhart, McDougle, McIntire, Mendenhall, Parks, Phelps, Puckett, Schooling, Shank, Shaw, Strain, Thompson, Vawter, Wilson of H., Wilson of P., Woodruff, Wright, and Gregory, Speaker—32.

And those who voted in the negative are,

Messrs. Armstrong, Bigger, Bower, Brackenridge, Brett, Carter of C., Conwell, Cook, Crume, Culbertson, Curtis, Gaddes, Green, Hardesty, Harris, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Leslie, Liston, Marshall, M'Calley, Moore, Nave, Newman, Ray, Rockhill, Smith of F., Stanford, Walker, Willet, and Wilson of V.—34.

So said motion was decided in the negative.

Mr. Dunning moved further to amend said amendment by adding the following:

"Sec. That said engineers shall also cause to be made the survey of a route for a rail, or McAdamized turnpike road from Bloomington via Spencer in Owen county, Bowlinggreen in Clay county, to Terre-Haute in Vigo county, and make report of the practicability and probable cost of constructing said road, to the next General Assembly of this State;"

Which motion did not prevail.

Mr. Shaw moved further to amend said amendment by adding the following:

"That said commissioners cause to be surveyed a route for a canal if practicable—if not, for a rail road from Terre-Haute to Vincennes, and report the same with the estimate of the probable cost of construction, at the next session of the Legislature;"

Which motion was decided in the negative.

Mr. Mendenhall moved further to amend said amendment by adding the following section:

"Sec. The canal commissioners be authorized and required to have surveyed a canal route to commence at Brookville in Franklin

county, running up the East fork of White-water *via* Richmond to intersect on the state line north east of Richmond, a contemplated canal from the Miami canal;"

Which amendment was not adopted.

Mr. Rockhill moved to add to said amendment the following:

"The proper authority shall cause a survey and estimate to be made for a rail road from Muncietown to Fort Wayne, and report the same to the General Assembly as soon as practicable;"

Which motion was decided in the negative.

W^r. Wilson of H. moved further to amend the proposed amendment by the addition of the following section:

"That a survey and estimate of the practicability and probable expense of a McAdamized turnpike road from the town of Salem in Washington county *via* Corydon, to Mauksport in Harrison county, and from New Albany in Floyd county *via* Corydon, to Princeton in Gibson county, be made as is provided for the survey of the New Albany and Crawfordsville road;"

And on the question to adopt the same,

It was decided in the negative.

Mr. Phelps moved to add to the proposed amendment the following section:

"Sec. That a survey be made by canal commissioners the ensuing summer, from Levenworth *via* Paoli, Bedford, Bloomington, to Indianapolis, for a rail road, and ascertain the practicability and cost of said rail road, and report the same to the Legislature at the ensuing session;"

Which motion did not prevail.

Mr. Bigger moved to amend the proposed amendment by adding the following:

"Sec. That said Engineers cause a survey and estimate to be made of the route for a turnpike road from Indianapolis *via* Rushville to Brookville, and report the same to the Legislature when completed;"

Which motion was decided in the negative.

The speaker moved to add to said amendment the following section (Mr. Kilgore at the time occupying the Chair,) viz:

"Sec. That a survey be made by said Engineers during the ensuing summer, with a view to a rail road from the west bank of the Wabash river opposite Terre-Haute, though Newport, Perrysville and LaPorte to Michigan city;"

Which motion was decided in the negative.

A motion was made by Mr. Howell to add to the proposed amendment the following proviso:

Provided, That the expense of the surveys authorized by this act, shall be paid by the counties through which said surveys shall be made;

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bennett, Brackenridge, Bradbury, Bryan, Carter of C., Chapman, Green, Hargrove, Harris, Howell, Leslie, Liston, McDougle, Mendenhall, Phelps, Rockhill, Schooling, Shank, Shaw, Smith of R., Wilson of H., Wilson of P., and Wright—24.

And those who voted in the negative are,

Messrs. Armstrong, Bell, Bigger, Bower, Brett, Carr, Conwell, Cook, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Evans, Gaddes, Hannaman, Hardesty, Henkle, Hoagland, Howard, Johnson of M., Johnston of F., Kelso, Kilgore, Lockhart, Marshall, McCalley, McIntire, Moore, Nave, Newman, Parks, Puckett, Ray, Smith of F., Stafford, Stanford, Storm, Strain, Torbet, Vandever, Vawter, Walker, Wallace, Willet, Wilson of V., Woodruff, and Gregory, Speaker—49.

So said amendment was not adopted.

Mr. Hannaman moved further to amend the proposed amendment by adding a section as follows:

"Sec. That the Canal Commissioners be authorized and directed, and it is hereby made their duty, to cause to be made a survey of a canal from the mouth of the Mississineway to the mouth of Pipe creek, on White river, in Hamilton county, and report the practicability of the same, and all other information they may think necessary, to the next session of the General Assembly;"

Which motion was decided in the negative.

Mr. Hoagland moved to add to the proposed amendment the following section:

"Sec. The engineers aforesaid shall make a survey of the Muscatituck river from its junction with White river up to the highest point of navigation on the same, and report the practicability of constructing a canal along the said river, and an estimate of the probable cost of the construction thereof to the next Legislature;"

Which motion did not prevail.

Mr. Wright moved to amend said amendment by adding the following:

"Sec. That the said Canal Commissioners cause a survey and estimate to be made of the probable cost of a McAdamized turnpike road to be made from Princeton, in Gibson county, via Petersburg, Washington, Bloomfield, Spencer, Gosport, Martinsville, to Indianapolis;"

Which motion was decided in the negative.

Mr. Green moved to add to the proposed amendment the following:

"That the said commissioners be required to employ a suitable engineer to make a survey and estimate of the cost and practicability of a canal from the Wabash river at or near New Harmony, to the Ohio, at or near Mount Vernon in Posey county, who shall report the same at the next session of the Legislature."

And the question being put,

It was decided in the negative.

Mr. Brett moved to add to the proposed amendment the following section:

"Sec. That said engineers be instructed to make a survey and estimate of the probable cost of a rail road from Mount Pleasant, in Martin county, to Troy on the Ohio river in Perry county, and report their proceedings thereon to the next Legislature of this State."

And on the question,

Shall said amendment be adopted?

It was decided in the negative.

And then the House adjourned.

WEDNESDAY MORNING, JAN. 28, 1835.

The House met pursuant to adjournment.

Mr. Leslie, from the joint committee on Enrolled Bills, reported that they did on yesterday present to his Excellency the Governor, for his approval and signature, bills which originated in the Senate of the following titles:

No. 107—An act declaring a county road leading from Mooresville in Morgan county, to Peter Andrews in Shelby county, a state road;

No. 109—An act to legalize the proceedings of the Board of Commissioners of Putnam county;

No. 110—An act for the relief of the securities of Russel Comyn late collector of Dearborn;

No. 114—An act to authorize the clerk of the Posey circuit court to appoint an assessor;

And a joint resolution entitled

No. 113—A joint resolution on the subject of Blackford's Reports.

And also the following bills which originated in the House of Representatives:

No. 21—An act for the relief of Nathan Padget;

No. 132—An act to amend an act entitled an act to provide for the improvement of the navigation of the Wabash river;

No. 237—An act to alter a part of the Mooresville and Crawfordsville state road lying between Mooresville and the National Road in Hendricks county.

Mr. Bell moved to postpone the several orders of the day which precede the bill [No. 111] to provide for the further prosecution of the Wabash and Erie Canal, and that the House do now consider the same;

Which motion was decided in the negative.

The following message was received on yesterday from the Senate by Mr. Morris their Secretary:

MR. SPEAKER—

The Senate has passed bills &c., of the Senate entitled as follows, to-wit:

No. 57—An act for the benefit of Alexander Lowery;

No. 124—An act legalizing the proceedings of the Fort Wayne and St. Mary's Bridge Company;

No. 126—An act to appropriate a part of the 3 per cent. fund of Perry and Spencer counties;

No. 129—A memorial to Congress praying for a grant of land to aid in the construction of a rail road from Evansville to Lafayette; and

No. 132—An act to locate a state road from Edinburgh to Greensburgh;

Also bills of the House entitled as follows:

No. 84—An act authorizing the laying off into seminary districts the several counties herein mentioned, and for other purposes; and

No. 245—An act to legalize certain acts therein named;

No. 84 with, and No. 245 without amendment.

In which bills of the Senate and the amendments proposed to the bill [No. 84] of the House, the concurrence of the House of Representatives is requested.

The bill of the Senate [No. 57] named in said message was twice read (the rules of the House having first been dispensed with) and,

On motion of Mr. Stanford, committed to the committee of Ways and Means.

The bills of the Senate [Nos. 124 and 176] named in said message were severally three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That the Clerk inform the Senate thereof.

The joint memorial of the Senate, (No. 129) named in said message was twice read, the rules of the House having first been dispensed with.

Mr. Evans moved to amend the same by striking out the word "Lafayette," and inserting in lieu thereof "Terre Haute."

Pending that question, it was,

On motion of Mr. Howell, committed to a committee of the whole House, and made the special order of the day for to-morrow.

The bill of the Senate (No. 132) named in said message was twice read, the rules of the House having first been dispensed with, and,

On motion of Mr. Bryan, committed to a Select committee.

Ordered, That Messrs. Bryan, Shank, and Woodruff be that committee.

The House disagreed to the several amendments of the Senate to the bill of the House (No 84) named in said message.

Ordered, That the Clerk inform the Senate thereof.

Mr. Wallace presented a petition of C. P. J. Arion and others, citizens of the town of Madison, praying an extension of the corporation of said town, also a remonstrance of John P. Paul and others, against said petition;

Which were severally read and referred to a select committee of Messrs. Wallace, Marshall and Vawter.

Mr. Nave, after having obtained leave, presented a bill (No. 250) to establish a certain state road therein named, accompanied by a petition on that subject;

Said bill was twice read, the rules of the House having first been dispensed with, when,

On motion of Mr. Stafford,

The name of Solomon Dunnegan of Morgan county, was inserted as an additional commissioner.

The said bill was then read the third time and passed.

Ordered, That it be entitled an act and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Kilgore, from the Select committee to which had been committed a petition on that subject, reported a bill (No. 251) to vacate the town of New Lexington;

Which was three times read, by consent of the House, and passed.

Ordered, That it be entitled an act and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Davis presented a remonstrance of Robert Harvey and others, against a repeal of the existing law, in force in Tippecanoe county, on the subject of Justices' jurisdiction;

Which was read and referred to the same select committee to which the petition on that subject was referred.

Mr. Liston presented a petition of Caleb Eldred and others praying a new county south of Laporte;

Which was read and laid on the table.

Mr. Moore presented a letter of instructions from the citizens of Owen county to their Senator and Representative upon the subject of internal improvement;

Which was read and laid on the table.

On motion of Mr. Evans,

The committee of the whole House to which was committed the engrossed memorial from the Senate, (No. 129) praying for a grant of land to aid in the construction of a rail road from Evansville to Lafayette, were discharged from the further consideration thereof, and said memorial was re-committed to a Select committee of Messrs. Evans, Brackenridge and Shaw.

Mr. Carter of C. presented a petition of sundry citizens of Logansport, praying a change in part of the route of the Michigan road at and near that town;

Which was read and referred to the committee on roads.

Mr. Howell, from the joint committee of Enrolled Bills reported that they have compared the enrolled with the engrossed bill which originated in the House of Representatives, entitled as follows, to wit:

No. 45—An act to amend an act entitled an act regulating the practice in chancery, approved Feb. 10, 1831;

And find the same truly enrolled;

Whereupon the Speaker signed said bill.

Ordered, That the Clerk carry it to the Senate for the signature of their President.

Mr. Leslie presented three remonstrances of sundry citizens against the establishment of a state road from Leavenworth to Corydon;

Which was read and laid on the table.

Mr. Armstrong presented a petition of George Kress and others praying a state road from Rockford to the Falls of the Ohio;

Which was read and laid on the table.

Mr. Stafford presented a petition of sundry citizens of Morgan county, praying a limitation of Justices' jurisdiction in civil cases to their respective townships;

Which was read and laid on the table.

Mr. Hannaman presented two memorials of citizens of Boone and adjoining

counties, protesting against a location of the Indianapolis and Lafayette rail road through Crawfordsville as a condition of the patronage of the state, and asking its direct location through Lebanon;

Which were read and laid on the table.

Mr. Gaddes, having obtained leave, presented a bill [No. 252] to amend an act declaring certain streams therein named public highways, approved January 16, 1824;

Which was three times read by consent of the House and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Wilson of H. presented a communication in writing [being two certificates] from Abraham Harmon, explaining his signatures to the petition and remonstrance respectively upon the subject of attaching a part of Harrison county to Crawford;

Which was read and referred to the same select committee to which were referred former petitions and remonstrances on that subject.

Mr. Phelps presented three written communications from citizens of Harrison county explanatory of their wishes on the subject of being attached to Crawford county;

Which were read and referred to the committee last named.

On motion of Mr. Kilgore,

The select committee to which was committed the petition of Jabez H. Moore and others, were discharged from the further consideration thereof, and said petition was recommitted to the committee on roads.

Mr. Harris made the following report:

The select Committee to whom was referred the petition of John Ross and others praying to have \$112 50 of the 3 per cent. fund accruing to the county of Clay, and which was by an act of Feb. 1, 1834 applied to the improvement of the Wabash river, refunded to the said county of Clay, have had that subject under consideration, and directed me to report the following bill,

(No. 253) entitled a bill to amend an act to provide for the improvement of the Wabash river, approved Feb. 1, 1834.

Which was twice read, and

On motion of Mr. Wilson of V. laid on the table.

Mr. Marshall presented a petition of the trustees and citizens of the town of Madison, praying a change in the charter of said town in reference to violations of the retailing act;

Which was read and referred to a select committee of Messrs. Marshall, Wallace, and Vawter.

On motion of Mr. Newman,

The vote taken this day on the passage of bill No. 252 was reconsidered.

Ordered, That said bill be recommitted to a select committee of Messrs. Wilson of P., Gaddes, Hardesty, and Wilson of V.

Mr. Vawter, after having obtained leave, presented a bill (No. 254) supplemental to an act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses, or masonic lodges, approved Feb. 10, 1831, accompanied by a petition on that subject;

Which bill was twice read, and

On motion Mr. Ray, laid on the table.

Mr. Moore made the following report:

The Judiciary Committee to whom was referred a resolution of the House, directing them to inquire what amendments (if any) are necessary to an act entitled an act concerning free negroes and mulattoes, servants and slaves, approved Feb.

10, 1831, have had that subject under consideration and have directed me to report a bill,

[No. 255] to amend an act entitled an act concerning free negroes and mulattoes, servants, and slaves, approved Feb. 10, 1831;

Which was twice read, when

Mr. Kelso moved that it do lie on the table.

And the ayes and noes being requested thereon by two members;

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bell, Bennett, Bower, Brett, Bryan, Carr, Carter of C., Chapman, Conwell, Cook, Crume, Culbertson, Curtis, Davis, Gaddes, Hardesty, Hargrove, Howard, Kelso, Kilgore, Liston, Marshall, Mendenhall, Nave, Newman, Puckett, Rockhill, Schooling, Shaw, Stafford, Stanford, Strain, Thompson, Torbet, Vawter, Walker, Wallace, Willet, Wilson of P., Wright, and Gregory, Speaker—43.

And those who voted in the negative are,

Messrs. Bigger, Brackenridge, Bradbury, Curry, Dunning, Evans, Green, Hannaman, Harris, Henkle, Hoagland, Howell, Johnson of M., Johnston of F., Latshaw, Leslie, Lockhart, McCalley, McDougale, McIntire, Moore, Parks, Phelps, Ray, Shank, Smith of F., Storm, Vandever, Wilson of H., Wilson of V., and Woodruff—31.

So said bill was laid on the table.

Mr. Carr made the following report:

The Judiciary Committee to whom was referred the petition of Daniel Weddle and others, citizens of Jackson county, praying the passage of a law authorizing the board doing county business in the county of Jackson to increase the revenue of said county, have according to order had the same under their consideration, and have directed me to report a bill,

[No. 256] to authorize the increase of the revenue of Jackson county;

Which was three times read and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Newman made the following report:

The committee on the judiciary to which were referred sundry resolutions of the House, relative to amending the laws regulating the practice in suits at law, the taking of depositions, and relative to allowing fees to garnishees, have according to order had those subjects under consideration, and have directed to report

A bill [No. 257] amendatory of the act entitled an act regulating the practice in suits at law and for other purposes;

Which bill was twice read, and committed to a committee of the whole House, and made the special order of the day for to-morrow.

Mr. Thompson from the committee on education, to which was referred a petition on that subjected, reported

A bill (No. 258) authorizing the school commissioner of Lawrence county to re-value and sell the west half of the N. E. quarter of section 16, in town 6, N. of Range one east;

Which was three times read by consent and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Johnston of F., made the following report:

The Committee on Education, to whom was referred a petition of Samuel Shirk and others, praying the election of a school commissioner in Congressional township No. 9, range 1 west, in Franklin county, &c., have had the same under consideration, and have directed me to report

A bill (No. 259) to authorize the inhabitants of Congressional township No. 9, range 1 west, in Franklin county, to elect a school commissioner, and for other purposes;

Which was twice read, and,

On motion of Mr. Kelso,

Amended by adding the following section:

"Sec. That the provisions of the above act be, and the same are hereby extended to the inhabitants of Congressional town No. 3, north of range 1 west, situate in the counties of Dearborn and Switzerland.

Ordered, That said bill be engrossed and read a third time to-morrow.

Mr. Wright made the following report:

The Committee on Military Affairs, to whom was referred several resolutions, petitions, and other documents on the subject of the Militia, have had the same under consideration, and have directed me to report

A bill (No. 260) to amend an act entitled "an act to organize and regulate the Militia of the State of Indiana," approved Feb. 10, 1831;

Which having been twice read by consent,

Mr. Bigger moved to commit it to a committee of the whole House, and make it the special order of the day for to-morrow.

A motion was made by Mr. Howell that it lie on the table;

Which motion did not prevail;

And thereupon the bill was committed as proposed by Mr. Bigger.

On motion of Mr. Willet,

The bill (No. 62) to amend an act for the encouragement of education, was taken from the table and re-committed to the committee of the whole House last named.

Mr. Hargrove made the following report:

The Committee on Claims, to which was referred the account of John S. Barnes, and certificate of Benjamin Rogers, superintendant of the Jackson's Lick Saline reservation, in Monroe county, have had that subject under consideration, and the committee have directed me to report

A bill (No. 261) for the relief of John S. Barnes;

Which bill was twice read and ordered to be engrossed and read a third time to-morrow.

Mr. Hargrove made the following report:

The committee on claims, to which was referred the claim of James G. May, against the State of Indiana, for publishing in the Western Annotator an act to amend an act entitled an act to incorporate the Ohio and Lafayette Rail Road Company, have according to order had the same under consideration, and a majority of the committee have

directed me to report that it is inexpedient to legislate on that subject at this time.

Mr. Lockhart moved to re-commit said report to the Committee of Ways and Means, with instructions to allow the claim in the specific appropriation bill.

On motion of Mr. Hardesty,

Said instructions were amended so as to direct an allowance of seven dollars to J. W. Osborn for publishing the act incorporating the Green Castle Steam Mill and Manufacturing Company.

Mr. Newman moved further to amend said instructions by directing an allowance of fifteen dollars to D. P. Holloway and J. Finley for publishing the charter of the borough of Richmond in the Richmond Palladium.

On motion of Mr. Angle,

Said amendment was amended by instructing a further allowance of \$5.00 to J. F. Wade for publishing in the Crawfordsville Record an act to incorporate the Wabash Manual Labor College.

Mr. Conwell moved further to amend said amendment by adding the following:

"That all acts printed in the respective counties, which are of a local character, shall be paid out of the county treasury;"

Which motion did not prevail.

Mr. Dunning moved further to amend said amendment by adding the following:

"And that they make to Jesse Brandon, editor of the Far West, an allowance of two dollars for publishing the act for the relief of William Clark."

Pending that question, it was,

On motion of Mr. Hardesty,

Ordered, That said report and motion to re-commit do lie on the table.

And then the House adjourned.

Half past 1 o'clock P. M.

The House met pursuant to adjournment.

On motion of Mr. Walker,

The several orders of the day which precede the bill (No. 120) to provide for the re-location of the seat of justice of the county of Dearborn, and for other purposes, were, for the present, postponed, and the House proceeded to consider said bill.

It was thereupon read the second time.

On motion of Mr. Kelso,

The bill was amended by appointing the "second" instead of the "fourth" Monday in March for the meeting of the commissioners.

A motion was made by Mr. Willet to commit said bill to a committee of the whole House for to-morrow.

Which was decided in the negative.

Mr. Newman moved to strike out so much of said bill as relates to

the re-location of the seat of justice at the nearest convenient point to the centre, and to insert the following:

"At such place as to them may seem just, if in their opinion such re-location shall be necessary."

Mr. Kelso called for a division of the question.

The first member thereof, to wit: on striking out the matter as proposed, was thereupon put,

And decided in the negative.

Mr. Newman moved to add to the 3rd section the following proviso:

"Provided, that the petitioners for the removal or re-location of the seat of justice of said county of Dearborn, shall pay all damages that may accrue to any person or persons, body politic or corporate, by reason of the re-location and removal of said seat of justice."

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bigger, Bradbury, Conwell, Crume, Curry, Curtis, Hannaman, Johnston of F., Kilgore, Leslie, Nave, Newman, Rockhill, Smith of F., Stanford, Willet, and Woodruff—19.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bower, Brackenridge, Brett, Bryan, Carr, Carter of C., Chapman, Cook, Dunning, Evans, Gaddes, Green, Hardesty, Hargrove, Harris, Henkle, Hoagland, Howard, Howell, Johnson of M., Kelso, Latshaw, Liston, Lockhart, Marshall, McCalley, McDougle, McIntire, Mendenhall, Moore, Parks, Phelps, Puckett, Ray, Schooling, Shank, Shaw, Smith of R., Stafford, Storm, Strain, Torbet, Vandever, Vawter, Walker, Wallace, Wilson of H., Wilson of P., Wilson of V., Wright, and Gregory, Speaker—53.

So said amendment was not adopted.

The said bill was then read the third time and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

On motion of Mr. Evans,

Ordered, That the consideration of the orders of the day be suspended one hour and a half for reports from committees and the introduction of bills.

Mr. Evans made the following report:

The committee on roads to whom was referred the petition of William Button and others, praying the re-location of a certain state road therein named, have directed me to report a bill [No. 262] to re-locate a part of a state road therein named;

The said bill was three times read by consent and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Hargrove made the following report:

The committee on claims to which was referred the account of James G. May vs. Andrew Wilson commissioner of French Lick Reserve for printing, have had that subject under consideration and have directed me to report the following resolution;

Resolved, That the committee of Ways and Means be directed to allow Andrew Wilson Com. F. L. R. for the benefit of James G. May in the specific appropriation bill the sum of three dollars for publishing in the Western Annotator notice of the sale of French Lick Reserve Lands;

Which report was read and the said resolution adopted.

Mr. Hargrove made the following report:

The committee on claims to which was referred the county order of Putnam county, and a certificate of the Auditor of Public Accounts on the subject of making the collector of Putnam county for 1834, an allowance for money overpaid into State Treasury on settlement with Treasurer, have had the same under consideration and directed me to report the following resolution:

Resolved, That the committee of Ways and Means be directed to allow David Rudisell, collector of Putnam county for the year 1834, in the specific appropriation bill the sum of fifty-two dollars and seventy-one and a half cents, for money overpaid by said collector on settlement of his accounts with State Treasurer in said year;

Which report was read and concurred in by the House.

Mr. Shank made the following report:

The committee on roads to which were referred the petitions of Ashbel Stone and others, praying the appointment of three or more commissioners on so much of the Brookville and Indianapolis state road as lies in the counties of Rush and Shelby to expend the three per cent. fund appropriated to said road, and also such sums as may be procured by subscription, &c. have had the same under consideration and have directed me to report, a bill [No 263] to provide for the expenditure of a part of the three per cent. fund appropriated to Shelby and Rush counties and for other purposes.

The said bill was three times read by consent and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Cook made the following report:

The committee on Roads to which was referred the petition of Abraham Houser and others praying an appropriation on the Shelbyville and Scipio state road out of the three per cent. fund, have according to order had the same under consideration and have directed me to report that legislation on that subject, at this time, is inexpedient;

Which report was read and concurred in.

Mr. Vawter from the committee on roads made the five several following reports, which were read and concurred in respectively, to wit:

No. 1.—The committee on roads to which was referred the petition and claims of John Knight, commissioner appointed to lay out a state road from Delphi to Muncietown asking to be paid for time and money, expended in locating said road, have according to order had the same under consideration, and by reference to the 2d section of an act to amend an act to locate a state road from Delphi to Muncietown, approved Feb. 1, 1834, it will be found that ample provision has been made for the payment of the aforesaid claims. The committee therefore ask to be discharged from the further consideration of that subject.

No. 2.—The committee on Roads, to which was referred the petition of Robert Martin and others, also the petition of Aaron Rush and others praying an appropriation of four thousand dollars on the state road from Lafayette to Michigan City, have according to order had the same under consideration, and the committee have directed me to report that legislation on that subject, at this time, is inexpedient; and ask to be discharged from the further consideration thereof.

No. 3.—The committee on Roads, to which was referred the petition of Joseph Wilson and others, praying the Legislature to order the Fredericksburgh road in Vigo county to be opened, have according to order had the same under consideration; as also the remonstrance of L. H. Scott and others, referred to said committee. The committee find on examination the number of petitioners to be 92, and that of the memorialists remonstrating against legislative interference to be 124. The committee have directed me to report that legislation on the prayer of the petitioners would be inexpedient; and ask to be discharged from the further consideration of the subject.

No. 4.—The committee on Roads, to which was referred the petition of James Hooper and others, praying the location of a state road from Crawfordsville, by the Poplar Spring, in the direction to Bloomington, have according to order had the same under consideration, and on examination find the number of petitioners to be 97, and that of the memorialists remonstrating against the location of such road, referred to said committee, to be 308. The committee are of the opinion that to grant the prayer of the petitioners would be a violation of that principle recognized in our government, which authorizes majorities to govern; the committee therefore report that legislation on that subject is inexpedient, and ask to be discharged from the further consideration thereof.

No. 5.—The committee on Roads to whom was referred four several memorials, with numerous signatures attached, calling on the General Assembly for an investigation into the official conduct of the Commissioner of the Michigan Road, have, according to the directions of the House, had the same under their consideration, and have directed me to make the following Report:

The committee on comparing the memorials and petitions submitted to their consideration, could not be insensible to the apparent effort on the part of the memorialists and petitioners to act unfairly towards the Commissioner of the Michigan Road, and impose upon the House.—To this conclusion the committee were drawn from the fact, that the names of many of the petitioners were *twice* enrolled, viz: on two different petitions.

The first accusations contained in the charges of the memorialists against the Commissioner are: that he has "mismanaged the road fund," and is "destitute of sufficient qualifications." Of the correctness of the former of these charges the committee are not satisfied—there having appeared before them no evidence of any "mismanagement" upon the part of the Commissioner; but upon the contrary it was clearly and specifically proven to the entire satisfaction of the committee that the Commissioner has always been assiduous in the performance of his duties, and entirely successful in making such sales of the Michigan Road Lands as have been required to subserve the best interest of said Road; and that he has generally obtained contracts for the improvement of said Road upon fair and equitable conditions. It is true, that some of the witnesses who deposed before the committee, testified positively that they did not believe the work to have been done in a manner e-

qual to the terms of the contracts—one witness only deposing that he had procured his contract to be taken off his hands when the work was not equal to the conditions of the contract. The committee would here beg leave to remark, that in no single instance did any witness charge the Commissioner, in the exercise of his official duties, with any thing like *corruption*, in either putting work to contract on the road, or in accepting contracts when completed.

In relation to incapacity, or want of qualifications in the Commissioner, to discharge the duties assigned him by law, the committee are satisfied that such charges are groundless and invidious. They consider the force of that charge as reproaching more directly the former Legislature, than it does the Commissioner at whom it is aimed.

Another charge against the Commissioner is, for issuing scrip in large amounts in advance of contracts. The accusers of the Commissioner have not been enabled to present to the committee one syllable of testimony in support of this charge; although *three* witnesses were brought from their immediate neighborhood—the names of *two* of whom were found upon the petitions. The committee have not been enabled to perceive any law positively forbidding the issuing of scrip in advance of work. And, as contractors are required by law to give bond and security, conditioned for the faithful execution of their contracts, it is presumable that if payments were made in advance, either in part or in whole, it would not be a violation of *any* law made for the government of said Commissioner or the regulation of his duties. On contracts completed, the law is imperative: the Commissioner has no discretion, but must issue scrip in discharge of all such contracts.

The memorialists next charge that large contracts have been given to individuals and companies, who have combined together for the purpose of engrossing a large number of contracts on said road, anticipating legislative indulgence, in affording time to complete such contracts. In this charge, the memorialists reflect immediately upon the Legislature, for extending such time to contractors as may be required for the completion of their contracts; and on the Commissioner for having made partial payments on contracts before the same were completed. It is believed by the committee that so far as regards this latter charge, the Commissioner and the Legislature occupy very nearly the same ground: the Commissioner having made payments before the entire conditions of some contracts were complied with, and the Legislature having granted relief to contractors who had not fulfilled their engagements. And very little doubt remains with the committee that contractors have sought the benefit in both cases; and some of those individuals are *now* the most clamorous accusers of the Commissioner.

The memorialists next charge the *legislature* directly, with eliciting pernicious results to said road and to contractors upon it, by affording relief to those engaged by the Commissioner. And, in the same paragraph, it is charged, that the liberality of the Commissioner has been productive of much mischief to contractors. In these assertions the committee recognize none other than an insinuation that the Legislature is not possessed of foresight and wisdom, sufficient to meet an

emergency, such as the one presented when they afforded this relief. And in addition to this insinuation, they charge, that the Michigan road should have been divided *originally*, into several districts, with competent commissioners on each: thus again disapproving the conduct and impugning the opinions of the Legislature.

Again, the memorialists complain of the Legislature for creating the commissioner the agent for managing the road fund, and for the improvement of said road; and urge that this "seems to place him in a situation *perhaps*, too tempting, to avoid some little benefits by his selling land for cash or scrip." And in continuation of this insinuation they say, "it possibly has not been thought amiss to become a broker in both offices." The committee are of opinion, that such innuendoes and intimations as are contained in this charge, will only be resorted to by individuals for the purpose of effecting objects, such as can neither receive countenance from this committee or approbation from the House or the community.

The memorialists call on the Legislature to institute an inquiry into the whole subject matter of their memorials, for "both the benefit of the commissioner and the community." The committee, under the direction of the House, have made a rigid and searching investigation into the conduct of the commissioner, and have been unable to discover any thing dishonorable in his conduct or unworthy in his motives.

The last thing prayed for by the memorialists is, that the Legislature divide said road into, at least three road districts, with a commissioner on each. The committee are strongly impressed with the inexpediency of granting the prayer of the petitioners in this particular, at the present time, and have directed me to report to the House, for its adoption, the following resolution:

Resolved, That legislation upon the subjects contained in the memorials preferring charges against William Polke, Commissioner of the Michigan road, is, at this time, inexpedient."

Mr. Evans moved that 500 copies of the last above report be printed for the use of the members of this House;

Which motion was decided in the negative.

Mr. Armstrong made the following report, which was read and concurred in, to wit:

The committee on the Affairs of the State Prison to whom was referred sundry documents relative to said prison, have had the same under consideration, and report the following abstract.

Amount of sales of manufactured articles and all the products of the labour of the convicts from December 3d, 1833, to December 1, 1834	} \$ 13,222 68
Aggregate amount of expenditures for the same period, is	
	7,624 54

Amount of receipts over expenses	\$ 5,598 14
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There has been confined in the prison the last year as per report of the Superintendent 66 convicts; of whom

10 were from 16 to 20 years of age

34	"	"	20 to 30	"
14	"	"	30 to 40	"
6	"	"	40 to 50	"
1	"	"	52	"
1	"	"	56	"

46 convicted of larceny, 4 of forgery, 4 of manslaughter, 3 assault and battery with intent to kill, 2 of rape, 2 of passing counterfeit money, 2 of perjury, 2 of burglary, and one for abetting crime. 10 are natives of Pennsylvania, 8 of Kentucky, 8 of Ohio, 7 of Virginia, 7 of Tennessee, 5 of Indiana, 5 of New York, 4 of Maryland, 3 of N. Carolina, 1 of Rhode Island, 1 of Massachusetts, 1 of Georgia, 6 foreigners.

The committee have also had under consideration that part of the message of His Excellency the Governor, relating to the State Prison and the documents accompanying the same, and find that the contract of the present Superintendent will expire on the 13th of June 1836. The committee have directed me to report, that in their opinion it is inexpedient to legislate on the subject at the present session, and ask to be discharged from the further consideration of the subject.

Mr. Liston from the select committee to which was committed the bill (No. 210) to appropriate certain moneys out of the 3 per cent. fund, and for other purposes, reported the same with two amendments;

Which were read and concurred in.

And on the question, shall said bill be engrossed and read a third time to-morrow?

The ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bell, Bigger, Bradbury, Conwell, Crume, Curry, Carter of C., Davis, Evans, Henkle, Johnston of F., Kelso, Kilgore, Liston, Marshall, Mendenhall, Newman, Puckett, Ray, Rockhill, Schooling, Smith of F., Stafford, Stanford, Vawter, Walker, Wallace, Willet, Wilson of V., and Gregory, speaker—30.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bennett, Bower, Brackenridge, Brett, Bryan, Carr, Chapman, Cook, Culbertson, Dunning, Gaddes, Green, Hannaman, Hardesty, Hargrove, Harris, Hoagland, Howard, Howell, Johnson of M., Latshaw, Leslie, Lockhart, McCalley, McDougle, M'Intire, Moore, Nave, Parks, Phelps, Shank, Shaw, Storm, Strain, Torbet, Vandever, Wilson of H., Wilson of P., Woodruff, and Wright—42.

So said bill was rejected.

Smith of F., from the select committee to which was committed the engrossed bill from the Senate [No. 60] to amend an act to organize probate courts, and defining the powers and duties of executors, administrators, and guardians, approved Feb. 10, 1831; reported the same with one amendment—which,

On motion of Mr. Lockhart,
Was amended, by striking out so much as requires publication in the Indiana Journal.

And as amended, was agreed to by the House.

The said amendments were then considered as engrossed, the bill read the third time, and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence in the amendments made by the House.

Mr. Conwell, from the select committee to which the subject was referred, reported a bill [No. 264] to amend the act entitled an act incorporating Congressional townships, and providing for public schools therein, approved Feb. 2, 1833;

Which was three times read, by consent, and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

Mr. Wallace, from the select committee to which was referred the petition of M. G. Bright and others, reported a bill [No. 265] to revive and continue in force a part of a certain act therein named;

Which was three times read, (the rules of the House having first been dispensed with,) and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

Mr. Evans, from the select committee to which was referred a petition of sundry citizens of Fountain county, reported a bill (No. 266) to locate a State road therein named;

Which was three times read, by consent of the House, and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

Mr. Kelso, from the select committee to which was re-committed the engrossed bill (No. 212) to amend an act to incorporate the Lawrenceburgh and Indianapolis rail-road company, approved Feb. 2, 1832—reported the same with three amendments;

Which were read and concurred in.

Ordered, That said bill be engrossed and read a third time to-morrow.

Mr. Henkle made the following report, which was read and concurred in:

The select committee to whom were referred a petition and remonstrance of citizens of Tippecanoe county, on the subject of repealing the act entitled an act to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace—have had that matter under consideration and have directed me to report that in their opinion it is inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration of the same.

Mr. McIntire, from the select committee to which was committed the petition of L. B. Hughes and others, reported a bill (No. 267) to amend an act entitled an act regulating grist mills and millers, approved Feb. 10, 1831;

Which was twice read, by consent, when

A motion was made by Mr. Crume, to strike out "fifty cents," (the allowance for grinding and packing a barrel of flour,) and to insert "twenty-five cents."

A division of which question, was called for by Mr. Johnson of M.

And the first branch thereof, to wit, on striking out "fifty," being put,

It was determined in the negative.

The said bill was then read the third time, and,

On motion of Mr. Conwell,

Was re-committed to a select committee.

Ordered, That Messrs. M'Intire, Marshall, Conwell, Vawter, and Evans, be that committee.

The Speaker announced the expiration of the hour and a half, allotted this day, for the introduction of reports and bills.

Whereupon,

Mr. Kelso moved that the orders of the day be further postponed, for the same purpose, during the residue of this day.

On which question,

The ayes and noes being requested by two members;

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bennett, Bigger, Bower, Brett, Bryan, Carr, Carter of C., Chapman, Conwell, Cook, Culbertson, Curtis, Davis, Dunning, Evans, Gaddes, Green, Hannaman, Hargrove, Harris, Henkle, Howard, Johnson of M., Kelso, Latshaw, Leslie, Lockhart, McCalley, McDougale, McIntire, Mendenhall, Moore, Parks, Phelps, Rockbill, Schooling, Shank, Shaw, Smith of F., Storm, Strain, Vandever, Vawter, Walker, Wallace, Willet, Wilson of H., Wilson of V., Wright, and Gregory, Speaker—52.

And those who voted in the negative are,

Messrs. Crume, Hardesty, Hoagland, Howell, Johnston of F., Kilgore, Liston, Marshall, Nave, Puckett, Ray, Stafford, Stanford, and Woodruff,—15.

So said motion passed in the affirmative.

Mr. Vawter made the following report:

The select committee to which was referred a bill of the Senate, [No. 9] to make a state road from Versailles to Rockford, report the same back to the House with one amendment: Strike out the bill of the Senate from the enacting clause, and insert five sections;

Which amendment was read and concurred in.

Ordered, That the amendment be engrossed and the bill be read a third time to-morrow.

Mr. Wilson of H. made the following report:

The select committee to which were re-committed two several bills, (Nos. 70 and 76) entitled bills amendatory of an act regulating the taking up of animals going estray and water craft and other articles of value adrift, approved Feb. 9, 1831, have directed me to report the said bill, No. 70, with one amendment—and recommend that said bill, No. 76, do lie on the table.

The latter branch of said report was read and concurred in, and said bill, No. 76, was laid on the table.

The amendment to said bill, No. 70, was read, when

Mr. Armstrong moved to amend said amendment by striking out "\$20" and inserting "\$15" in lieu thereof.

Mr. Howell called for a division of the question; and the first member thereof being put, to wit, in striking out "\$20,"

It was decided in the negative.

On motion of Mr. Dunning,

Said amendment was amended by striking out the clause requiring publication of the bill (act) in the Indiana Journal.

On motion of Mr. Bigger,

It was further amended by inserting after the word "householder" where it secondly occurs, these words "not a freeholder."

The said amendment as amended was then concurred in by the House.

The said bill was then considered as engrossed, read the third time and ordered to lie on the table.

Mr. Bower from the select committee to which was referred the petition of J. C. Parker and others, reported

A bill (No. 268) to incorporate the Charlestown rail road company, which was twice read, by consent, and ordered to be engrossed and read a third time tomorrow.

Mr. Crume made the following report:

The select committee to whom was referred a report of the judiciary committee on a resolution of this House, No. 36, relative to the propriety of exempting persons from serving as jurors before justices of the peace in any other township than the one in which such person may reside, and directing them to report a bill in accordance with said resolution, entitled a bill, No. 269, to amend the act regulating the jurisdiction and duties of justices of the peace; also a resolution directing said committee to inquire into the expediency of allowing a compensation to witnesses legally summoned to attend and give evidence on behalf of the state, now report a bill in accordance with said instructions—your committee beg leave further to report that in their opinion it would be inexpedient to legislate at this time on the latter resolution.

The said report was read and the last branch thereof concurred in.

And before the bill named in said report was read,

The House adjourned.

THURSDAY MORNING, JAN. 29, 1835.

The House met pursuant to adjournment.

Mr. McDougale, having obtained leave, moved the following resolution, which was read and adopted, to wit:

Resolved, That the committee on the judiciary do inquire what amendment is necessary to be made to the law to insure a more certain return of the votes for Governor and Lieutenant Governor and members elect to Congress to the office of the Secretary of State; also to provide by law a mode by which the prosecuting attorneys shall be informed of the names of defaulting clerks.

The following message was received from the Senate on Tuesday last by Mr. Morris their Secretary:

MR. SPEAKER—

The Senate has passed bills &c. of the Senate entitled as follows, to wit:

No. 44—An act in relation to the taking of depositions;

No. 50—A joint resolution for the benefit of the Secretary of State;

No. 87—An act to legalize the election of a justice of the peace in the territory attached to the county of Cass;

No. 91—An act to vacate a part of the public square in the town of Corydon;

No. 100—An act requiring persons who petition the General Assembly to give certain notices;

No. 106—An act to incorporate the Olive Branch school society in Tippecanoe county;

No. 118—A joint resolution authorizing a subscription to Morris' Map of Indiana;

No. 118—An act to amend an act to establish a board of trustees for the promotion of schools and education in Clarks Grant, approved January 28, 1824; and

No. 125—An act to amend an act entitled an act allowing and regulating the writ of *ad quod damnum*, approved Dec. 20, 1823; also

Bills of the House entitled as follows:

No. 140—An act attaching the north east quarter of section four, township 4 north of range, No. 8 east, to the county of Jennings;

No. 166—An act to authorize the trustees of the town of Connersville to lay off certain streets;

No. 192—An act to establish a state road in the county of Switzerland;

No. 196—An act to amend an act entitled an act to amend the act entitled an act to incorporate the Franklin county seminary, approved February 3, 1832; and

No. 246—An act supplementary to an act entitled an act for the further relief of John G. Davis former collector of Parke county and John G. Kindle of Decatur county;

All without amendment.

Also bills of the House with amendments to each, entitled as follows, to-wit:

No. 37—An act to provide for the sale of certain school lands therein named;

No. 180—An act to incorporate the Indianapolis and Montezuma rail road company; and

No. 225—An act to give the circuit court of Fayette county jurisdiction in a certain case.

In which bills of the Senate and the amendments proposed to the bills of the House, the concurrence of the House of Representatives is requested.

The said bill of the Senate (No. 44) was twice read by consent and ordered to be read a third time to-morrow.

The said joint resolution from the Senate (No. 50) was twice read (the rules of the House having first been dispensed.)

Mr. Liston moved to strike out so much thereof as requires patentees of Michigan road lands, heretofore purchased, to pay 25 cents for each patent.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bennett, Bryan, Carter of C., Liston, Lockhart, Mendenhall, Nave, Shank, Strain, and Gregory, Speaker—10.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bell, Bigger, Bower, Brackenridge, Bradbury, Brett, Carr, Chapman, Conwell, Cook, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Evans, Gaddes, Hardesty, Hargrove, Harris, Hoagland, Howard, Johnston of F., Latshaw, Leslie, Marshall, McCalley, McIntire, Moore, Newman, Parks, Phelps, Puckett, Ray, Schooling, Smith of F., Stafford, Stanford, Thompson, Walker, Wallace, Willet, Wilson of H., Woodruff, and Wright—48.

So said amendment was not adopted.

The said joint resolution was then read the third time,

And on the question shall it pass?

The ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Bell, Bigger, Brackenridge, Bradbury, Brett, Carr, Chapman, Crume, Culbertson, Curry, Davis, Dunning, Evans, Gaddes, Green, Hardesty, Hargrove, Harris, Hoagland, Howard, Howell, Johnston of F., Kelso, Kilgore, Latshaw, Leslie, Marshall, McCalley, McDougale, McIntire, Newman, Parks, Phelps, Puckett, Ray, Schooling, Shank, Shaw, Smith of F., Smith of R., Stafford, Thompson, Torbet, Vandever, Walker, Wallace, Willet, Wilson of H., and Wright—49.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bennett, Bryan, Carter of C., Conwell, Cook, Curtis, Johnson of M., Liston, Lockhart, Mendenhall, Moore, Nave, Rockhill, Stanford, Strain, Vawter, Wilson of P., Woodruff, and Gregory, Speaker—21.

So said joint resolution passed.

Ordered, That the Clerk inform the Senate thereof.

The said bills of the Senate (Nos. 87 and 91) were respectively read three times by consent and passed.

Ordered, That the Clerk inform the Senate thereof.

The said bill of the Senate (No. 100) was twice read (the rules of the House having first been dispensed with) when

A motion was made by Mr. Bell that it do lie on the table.

Which passed in the affirmative.

The said bill of the Senate (No. 106) was three times read by consent of the House and passed.

Ordered, That the Clerk inform the Senate thereof.

The said joint resolution from the Senate (No. 118) was read the first time and passed to a second reading.

The said bill of the Senate (No. 118) was twice read by consent, and On motion of Mr. Armstrong, was amended by inserting the following additional sections:

Sec. It shall be the duty of the school commissioner, elected under the authority of this act, to ascertain whether lands have been selected for fractional townships in the county of Clark, under the provisions of the act of Congress entitled "an act to appropriate lands for the support of schools in certain townships and fractional townships not before provided for," approved 20th May, 1826, and if no such selections have been made, said commissioner shall request the Secretary of the Treasury of the United States to cause selections to be made as provided in the aforesaid act.

Sec. Fractional townships in the county of Clark shall have the same privileges, and be governed in the same manner as in this act provided for the management of Congressional townships.

Mr. McCalley moved to strike out of said bill so much as relates in the last section thereof to publication in the "Charlestown Comet," and to insert in lieu of said paper the "Indiana Democrat."

A division of the question being called for, the first branch thereof being on striking out, was put, and carried in the affirmative.

The second branch thereof, to wit: on inserting the "Indiana Democrat" in lieu of the "Charlestown Comet," was put,

And decided in the negative.

Said bill was then read a third time and passed.

Ordered, That the Clerk inform the Senate thereof and ask their concurrence in the amendment made by the House.

The further consideration of said message being for the present postponed,

Mr. Crume, from the Committee of Ways and Means, made the following report on the state of the finances;

Which was read and concurred in, and 500 copies ordered to be printed.

The committee of Ways and Means, whose duty it is to examine the offices of Auditor and Treasurer of State, the situation of the Treasury, the present and prospective state of the finances; and generally, all things connected with the administration of the above offices and the fiscal concerns of the State, submit the following report:

The committee have examined the books, papers, vouchers, warrants, and the cash on hand, in the offices of the Auditor and Treasurer, and find them all correct. The books are neatly and accurately kept, and the various duties of both offices faithfully and diligently performed.

The following abstracts, numbered one, two, three, four, and five, present a detailed view of the public finances:

Abstract No. I, contains a statement of the assessment, collection, and payment into the treasury for the year 1834, by which it appears that the nett amount for the treasury, was \$46,383 43. That the ac-

tual payments into the treasury, up to the 1st of January instant, were \$45,945 27, which leaves an outstanding balance for the above year, of \$452 35. The foregoing statement will prove the efficiency of our revenue laws, and the promptness on the part of the officers employed in collecting the revenue, alike creditable to them and the State.

No. II, contains a statement of the receipts and expenditures for the year 1834, commencing Jan. 1, 1834, and ending Dec. 31, 1834, by which it appears that the balance remaining in the treasury on the 1st day of Jan. 1835, was \$46,278 98.

No. III, exhibits a list of balances, due the State from collectors, for former years.

No. IV, the situation of the treasury on the 1st day of January, 1835.

No. V, contains an estimate of the expenditures for the year 1835. From the foregoing exhibition of the state of our financial concerns, it will be seen, that the increased expenditures of the State, chiefly to be attributed to the rapid population of the country, are fully met by a corresponding increase of the sources of revenue, and the committee have no hesitation in declaring, that the exigencies of the government, for the ensuing year, will require no material alteration of the revenue law.

MARKS CRUME, *Chairman.*

Parke	40 28	1,360 08	114 48	112 10	6 10	4 50	1,122 90	1,122 90	
Perry	4 42	72	17 63	35 85		9 36	353 15	353 15	
Posey	18 32		60 56	75 59		11 40	752 93	752 93	
Putnam	37 01	46 13	49 11	110 63	75	2 52	1,115 36	1,115 36	
Pike	2 78	1 46	6 98	31 60		7 50	312 04	312 04	
Randolph	28 93		64 57	53 78		4 80	538 99	538 99	
Ripley	1 33	4 50	58 18	61 13	92	4 32	612 91	612 91	
Rush	41 99		69 56	65 42	7 44	2 52	1,662 64	1,662 64	
Scott	1 49		517 77	42 51	69	6 00	423 21	423 21	
Shelby	7 64		1,187 96	103 21		1 56	1,043 02	1,043 02	
Spencer	18 02	6 28	490 65	42 12	9 06	9 24	407 60	407 60	
Sullivan	14 10	147 33	774 92	67 09	37	7 20	670 82	672 82	
Switzerland	37		202 38	91 69		6 00	921 11	918 57	2 54
St. Joseph	150 20	27 00	345 58	27 15		8 10	266 45	266 45	
Tippecanoe	13 12		1,320 82	106 14		3 60	1,069 70	1,060 70	
Union	24 96	84 03	152 44	88 21	7 59	4 75	879 59	879 32	27
Vanderburgh		2 72	68 01	33 24		11 10	325 04	325 04	
Vermillion	10 14		102 24	61 68		5 40	618 29	618 29	
Vigo		146 62					1,300 83	900 00	400 83
Warrick	3 34	8 75	22 09	33 26		9 60	376 30	376 30	
Washington	8 77		38 02	136 17	26 50	6 00	1,344 38	1,344 01	37
Wayne	92 47		134 54	205 54		3 78	2,074 46	2,074 46	
Warren	11 56	24 38	58 33	42 57		4 80	425 66	425 66	
White			4 50	4 28		4 98	38 37	38 37	
\$1,167 '69		1,074 42	4,786 83	4,504 08	167 48	339 17	46,385 43	45,945 27	452 35

Statement No. II.

RECEIPTS AND EXPENDITURES DURING THE YEAR 1834.

RECEIPTS.		EXPENDITURES.	
Amount reported in Treasury on Jan. 1, 1834, provided all warrants Audited were paid	43,954 06	For Legislature, pay of Members, &c.	\$17,095 90
Mortgaged Lands omitted	122 00	For salaries of Governor, Secretary, Treasurer, and Auditor	2,600 00
Receipts for Taxes for 1834, (as per Table No. 1.)	45,945 27	For salaries of Supreme and Presiding Judges	7,523 44
Receipts of Balances from Collectors, for 1833	55 37	For pay of Prosecutors	1,267 00
Receipts of Balances from Collectors, for 1832	15 71	For seat of Government expenses	623 10
Receipts from Agent of State for Indianapolis	7,610 42	For contingent expenses	863 91
Receipts from Commissioner of Michigan Road	42,184 19	For specific appropriations	1,831 02
Receipts from Superintendent of State prison	700 00	For salaries of Adjutant and Quarter Master-Generals	187 50
Receipts from Commissioners of College Townships	3,089 66	For State Prison, including appropriations	2,881 58
Receipts from Com'rs. of Saline Lands	6,252 41	For pay of Probate Judges	2,137 50
Receipts for Interest on College Funds	2,171 42	For Wolf Scalps	752 00
Receipts for Interest on Saline Lands	394 62	For Michigan Road expenses and salary of Commissioner	123 87
Receipts for Interest on State House Funds	573 15	For Michigan Road Scrip, redeemed	42,060 32
		For Printing and Stationary	7,032 35
		For expenses of Indiana College	2,354 03
		For expenditure of Canal Fund in Treasury	25 00

Receipts from Borrowers of Seminary Funds, refunded	7,100 75
Receipts from Borrowers of Indianapolis Funds, refunded	7,081 90
Receipts from Borrowers of Saline Funds, refunded	250 00
Receipts for sales of Mortgaged Lands	772 94
Receipts from estates without Heirs	115 50
Receipts for Rents of Saline Lands	234 12

Making total amount of Receipts, with cash on hand, provided all claims audited to January 1, 1835, have been paid

\$ 168,623 49

To which should be added for outstanding warrants, as follows:

Judiciary	175 00
Legislative	3 50
Wolf	50

Making amount of receipts &c.

\$ 168,802 49

Outstanding Warrants on January 1, 1834, \$469 50

On account of loans of College Funds	7,907 25
On account of loans of Saline Funds	4,597 50
On account of loans of State House Funds	4,073 66
On account of State House, (to Contractor,) For State Library	16,433 83
For superintending Salt Spring Reserves	100 00
For Presidential Election of 1832	39 75
For Conscientious Fines distributed	1 00
To Cash in the Treasury, on the 1st of January 1835	12 00
	46,278 98

Making amount of expenditures, (including cash on hand,) from January 1, 1834, to January 1st, 1835

\$ 168,802 49

Statement No. III.

LIST OF BALANCES DUE THE STATE FROM COLLECTORS.

Counties.	1821	1822	1823	1824	1825	1826	1827	1828	1831	1832	1833	1834	Total.
Allen						27 43							\$ 27 43
Clark			565 06			9 45							565 06
Clay								208 48		62 11	89 01		160 57
Decatur													208 48
Floyd	95 93	184 59	733 84										1,014 36
Jackson		224 99			70 18		84 03						309 02
Jefferson			33 74										103 92
Madison							50 89						50 89
Martin		203 92	217 19						65 75				421 11
Pike													65 75
Posey											27 87		27 87
Scott						293 05	270 33	306 00					973 70
Shelby				104 52	54 10								54 10
Switzerland												2 54	306 37
Vigo							303 83					400 83	400 83
Huntington												45 00	45 00
Owen												1 44	1 44
												*2 54	

* Small balances due from several counties, [too small to continue as charges against collectors].

Statement No. IV.

ESTIMATE OF EXPENDITURES FOR 1835.

For the Legislature, including incidental expenses	\$18,000 00	For adjutant and quarter-master generals	150 00
For printing and stationary	5,500 00	For contingent expenses	1,000 00
For specific appropriations	1,500 00	For wolf scalps	800 00
For Judiciary, including prosecuting attorneys	9,000 00	For State library	100 00
For Probate Judges	2,500 00	For State prison	2,800 00
For Executive officers	2,600 00		<u>\$43,950 00</u>

Statement No. V,

SHOWING THE CONDITION OF THE TREASURY.

Amount in the Treasury Jan. 1, 1835,	\$46,278 98	PUBLIC DEBT.	
Estimated balance which will be paid by former collectors	1,000 00	The liability of the Treasury may be estimated as follows:—	
From rent of State prison	700 00	Consentitious fines to be distributed	519 40
	<u>\$47,978 98</u>	Estates without heirs	1,567 51
			<u>2,086 91</u>
			<u>\$45,892 07</u>

Leaving a balance in the Treasury of \$45,892 07, to meet the expenditures of the current year.

Mr. Crume from the committee of Ways and Means, after having obtained leave, reported a bill [No. 269] making specific appropriations for the year 1835; Which was twice read and committed to a committee of the whole House and made the special order of the day for to-morrow.

On motion of Mr. Evans,

Mr. Schooling was added to the select committee to which was re-committed the engrossed bill [No. 252] to amend an "act declaring certain streams therein named public highways" approved Jan. 26, 1824.

On motion of Mr. Crume,

The resolution moved by Mr. Dunning and laid on the table authorizing the enrolling Clerk to employ additional aid, was taken up and adopted.

Mr. Leslie from the joint committee on enrolled bills reported that they have examined and compared the enrolled with the engrossed bills of the following titles, to wit, which originated in the House of Representatives:

No. 218—"An act declaring an act therein named in force and for other purposes;"

No. 74—"An act providing for the holding of the terms of the circuit courts in the eighth Judicial Circuit;"

No. 230—"An act to establish a state road from Martinsville in Morgan county via Middletown in Owen county to John Chance's ferry on Eel river, thence to Hayne's old cabin in Vigo county;" and bills of the Senate,

No. 121—"An act to legalize an election in Spencer county held by the voters in Congressional township No. 8, south of range No. 8 west, to determine whether they should sell the 16th section therein;"

No. 122—"An act to amend an act entitled "an act to incorporate the Evansville and Lafayette rail road company," approved Dec. 24, 1833;

No. 13—"An act to vacate a part of the state road leading from Corydon in Harrison county to Troy in Perry county and for other purposes; and bills of the House,

No. 64—"An act to attach certain territory to the county of Warren and for other purposes;"

No. 232—"An act requiring the county of Cass to pay the county of Miami the county revenue collected within the county of Miami in the year 1834;"

No. 147—"An act to locate a state road from Brookville in Franklin county via Fairfield in Franklin county, and Dunlapville and Brownville in Union county to Richmond in Wayne county;"

No. 162—"An act to amend an act entitled "an act for the inspection of flour, beef, and salt," approved Jan. 24, 1829;

No. 222—"An act to locate and establish a state road from Michigantown in Clinton county to Andersontown in Madison county;

No. 158—"An act to amend an act entitled "an act to incorporate the town of Lafayette;"

No. 168—"An act for the relief of Jesse Daver of Monroe county;"

No. 198—"An act to change the times of holding the courts in the sixth Judicial Circuit;"

And find them truly enrolled.

Whereupon, the Speaker signed said bills.

Ordered, That the Clerk carry the same to the Senate for the Signature of their President.

The House then resumed the consideration of the last named message, from the Senate; and,

The engrossed bill of the Senate [No. 125] was read the first time and ordered to a second reading

On motion of Mr. Smith of of Fayettee, the previsions orders were for the present postponed, and the engrossed bill of the Senate [No. 111] to provide for the further prosecution of the Wabash and Erie Canal, was considered.

Mr. Shaw moved further to amend the amendment proposed by Mr. Kilgore, to said bill by adding the following section:

"That the said engineers be instructed, and it is hereby made their duty, to cause a survey to be made by some suitable engineer, of a route for a rail road from Terre Haute in Vigo county to Vincennes in Knox county; and report the same with an estimate of the probable cost of the construction of said road to the next General Assembly;"

Which amendment was adopted.

Mr. Hannaman moved further to amend by adding the following as an additional section:

"Sec. That the Canal Commissioners be authorized to cause to be made a survey and estimate of the practicability and cost of constructing a rail road or McAdam turpike road from Indianapolis to Lafayette via Lebanon;"

Which amendment was not adopted.

Mr. Wright moved further to amend by adding the following, as a section:

"That said Commissioners be instructed and it is hereby made their duty to cause to be surveyed by a suitable engineer, a rout for a rail road from Washington through Portersville and Jasper to Troy on the Ohio river, and report the same with an estimate of the cost of construction to the General Assembly of this state at as early a period of the next session as practicable, and also in said report to shew the difference of the cost between a rail road over said route and a clay turnpike road;

Which motion was lost.

Mr. Moore moved further to amend said amendment, so as to make Spencer, the great falls of Eel river, and Putnamville points in the road from Bloomington to Greencastle.

Which motion did not prevail.

Mr. Bell moved further to amend the amendment proposed by Mr. Kilgore to the bill, by adding the following additional section:

"Sec. The canal commissioners are hereby authorized to survey and estimate a canal route if practicable from Munceytown on White river, or near thereto, to some convenient point on the Wabash and Erie Canal, so soon as the same can be done without prejudice to other surveys authorized by this act, and report the same to the next session of the General Assembly after such survey and estimate shall have been made;"

Which was decided in the negative.

Mr. Storm moved further to amend by adding thereto the following as an additional section:

"That said engineers cause a survey of a route of a rail road from Bedford, via Bloomfield, to Terre Haute in Vigo county;"

Which motion did not prevail.

Mr. Wilson of P. moved further to amend by adding to the proposed amendment the following:

"Sec. That said engineers view the state road from Indianapolis, via Danville, Rockville, and Montezuma, thence to the state line of Indiana in the direction of Springfield in Illinois, and ascertain the prac-

ticability of making a clay turnpike, or McAdamized turnpike, and report the probable cost of the same to the next Legislature;"

Which was not agreed to.

The question then recurring on the amendment, as amended, proposed by Mr. Kilgore to the last named engrossed bill of the Senate, it was put:

And the ayes and noes being requested thereon by two members:

Those who voted in the affirmative are,

Messrs. Bell, Bennett, Bigger, Brackenridge, Bradbury, Brett, Carr, Carter of C., Conwell, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Evans, Hannaman, Hardesty, Hargrove, Henkle, Hoagland, Howard, Johnson of M., Johnston of F., Kelso, Kilgore, Lockhart, Marshall, M'Dougale, McIntire, Moore, Nave, Newman, Parks, Puckett, Ray, Rockhill, Schooling, Shaw, Smith of F., Stafford, Stanford, Storm, Strain, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Willet, Wilson of V., and Woodruff—53.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bower, Bryan, Chapman, Cook, Gaddes, Green, Harris, Howell, Latshaw, Leslie, Liston, M'Calley, Mendenhall, Phelps, Shank, Smith of R., Wilson of H., Wilson of P., Wright, and Gregory, Speaker—22

And so said amendment was adopted.

Mr. Evans moved further to amend the bill by striking out the words "mouth of Tippecanoe," and inserting in lieu thereof the word "Lafayette," when

Mr. Angle called for a division of the question;

Whereupon the first branch thereof, to-wit: on striking out as proposed, was put;

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Chapman, Davis, Evans, Hannaman, Hargrove, Henkle, Howard, Kelso, Marshall, McIntire, Newman, Schooling, Wilson of V., and Gregory, Speaker—14.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bell, Bennett, Bigger, Bower, Brackenridge, Bradbury, Brett, Bryan, Carr, Carter of C., Conwell, Cook, Crume, Culbertson, Curry, Curtis, Dunning, Gaddes, Green, Hardesty, Harris, Hoagland, Howell, Johnson of M., Johnston of F., Kilgore, Latshaw, Leslie, Liston, Lockhart, M'Calley, McDougale, Mendenhall, Moore, Nave, Parks, Phelps, Ray, Rockhill, Shank, Shaw, Smith of F., Smith of R., Stafford, Stanford, Storm, Strain, Thompson, Torbet,

Vandever, Vawter, Walker, Wallace, Willet, Wilson of H., Wilson of P., Woodruff, and Wright—60.

And so it was decided in the negative.

Mr. Dunning moved to amend the bill by adding to that clause thereof which provides for the White river survey, the following;

“Provided, That if it should not be found practicable to construct a canal from thence to the Ohio river, said Engineers shall then survey a route for a canal from thence to some suitable point on the Wabash river.”

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bell, Brett, Bryan, Carr, Carter of C., Chapman, Conwell, Culbertson, Curry, Dunning, Evans, Green, Hardesty, Hargrove, Hoagland, Howard, Johnson of M., Kelso, Kilgore, Leslie, Liston, M'Dougle, Moore, Nave, Parks, Phelps, Shank, Shaw, Stafford, Stanford, Storm, Strain, Thompson, Torbet, Vandever, Vawter, Wilson of V., Woodruff, and Gregory, Speaker—39.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bennett, Bigger, Bower, Brackenridge, Bradbury, Cook, Crume, Curtis, Davis, Gaddes, Harris, Henkle, Howell, Johnston of F., Lockhart, Marshall, M'Calley, McIntire, Mendenhall, Newman, Puckett, Ray, Rockhill, Schooling, Smith of F., Smith of R., Wallace, Willet, Wilson of H., Wilson of P., and Wright—33.

And so said amendment was adopted.

Mr. Newman moved further to amend said bill, by adding thereto the following additional sections, to wit:

Sec. Be it further enacted, that the sum of \$100,000 be, and the same is hereby appropriated for the commencement of the White-water canal, one half thereof to be expended in the commencement and construction of said canal, between the first feeder-dam above the termination of said canal, at or near Lawrenceburgh and said point of termination; and the remaining \$50,000 to be expended in the commencement and construction of said work between the National road, in Wayne county, and the crossing of the river near Somerset, in Franklin county.

Sec. For the purpose of procuring the said sum of \$200,000, the canal fund commissioners shall forthwith or so soon as practicable, negotiate a loan in the same manner, and subject to the same rules and restrictions, and shall issue certificates of stock in the same manner as above provided, and for the re-payment of such loans and the interest that may accrue thereon, the tolls that may accrue thereon, the water privileges thereby created, and the canal itself, are hereby irrevocably pledged; the sufficiency of which, for the purposes aforesaid, the State does hereby guarantee.

Sec. The route of said White-water canal, as surveyed by Jesse L. Williams and Wm. Gooding, is for the time being adopted as the line of said canal, subject however to such trivial alterations, as in the opinion of the constructing engineer, may be necessary.

Sec. That so soon as the consent of the State of Ohio to the construction of so much of said canal as lies in her territory, shall be made known to the Governor, he shall immediately procure and appoint some suitable, skillful engineer, to prepare so much of said canal line for contract, as is contemplated by this act to be put under contract; and shall also appoint one or more persons, as to him may seem necessary, as commissioner or commissioners of said White-water canal, who shall serve as such until superseded by others, to be appointed in such manner as may by the Legislature hereafter be prescribed by law, whose duty it shall be to prepare and contract for the construction of so much of said canal as is by this act contemplated, to be commenced and constructed in the same manner, and subject to the same rules and restrictions as the commissioners on the Wabash and Erie canal now prepare and contract for the construction of that work.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bell, Bennett, Bigger, Bradbury, Bryan, Chapman, Corwell, Crume, Curtis, Hannaman, Harris, Howell, Johnston of F., Kelso, Kilgore, Mendenhall, Newman, Phelps, Puckett, Ray, Rockhill, Smith of F., Stanford, Thompson, Vawter, Walker, Willet, and Woodruff—28.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bower, Brackenridge, Brett, Carr, Carter of C., Cook, Culbertson, Curry, Davis, Dunning, Evans, Gaddes, Green, Hardesty, Hargrove, Henkle, Hoagland, Howard, Johnson of M., Leslie, Liston, Lockhart, Marshall, McCalley, McDougale, M'Intire, Moore, Nave, Parks, Schooling, Shank, Shaw, Smith of R., Stafford, Storm, Strain, Torbet, Vandever, Wallace, Wilson of H., Wilson of P., Wilson of V., Wright and Gregory, speaker—46.

And so it was not adopted.

Mr. Bryan moved further to amend said bill, by the addition of the following section, namely:

Sec. It shall be the duty of the Governor at as early a period as possible, after the passage of this act, to employ some competent and suitable engineer, whose duty it shall be to proceed under the direction of the board of directors, to complete the survey and estimates on the Lawrenceburgh and Indianapolis rail-road.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bower, Brackenridge, Bryan, Carr, Carter of C., Chapman, Conwell, Evans, Gaddes, Green, Hannaman, Hargrove, Henkle, Howell, Johnson of M., Kelso, Kilgore, Liston, Marshall, Moore, Newman, Phelps, Puckett, Ray, Shank, Shaw, Smith of F., Smith of R., Stafford, Thompson, Torbet, Vawter, Walker, Willet, Wilson of H. and Gregory, Speaker—38.

And those who voted in the negative are,

Messrs. Bell, Bigger, Bradbury, Brett, Cook, Crume, Culbertson, Curry, Curtis, Dunning, Hardesty, Harris, Hoagland, Howard, Johnston of F., Leslie, Lockhart, McCalley, McDougale, McIntire, Mendenhall, Nave, Parks, Rockhill, Schooling, Storm, Strain, Vandever, Wallace, Wilson of P., Wilson of V., Woodruff, and Wright—33.

So said amendment was adopted.

Mr. Chapman proposed the following as an additional section to said bill, viz:

"Sec. That so soon as two thirds of the stock of the Fort Wayne and Laporte Turnpike Company, shall have been subscribed for on the part of individuals, and the Board of Directors shall make that fact known to the Governor, he shall appoint a commissioner to examine the amount and responsibility of said subscription stock; and if found to amount to two thirds of the stock sufficient for constructing said work as in the charter contemplated, the Governor of the State shall by proclamation cause a subscription to be made to said corporation in behalf of the State, one third of the amount of stock so subscribed on the part of individuals for the construction of said turnpike road."

Mr. Willet moved to amend the amendment by adding thereto a provision for the Buffalo and Mississippi rail road;

Which was decided in the negative.

Mr. Wilson of Harrison, then moved to postpone indefinitely the further consideration of said bill, with its pending amendments.

Mr. Evans called the previous question, which was seconded by two members.

Mr. Smith of R. moved to lay said bill and proposed amendments on the table.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bennett, Chapman, Harris, Leslie, Phelps, Wilson of H., and Wright—7.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bell, Bigger, Bower, Brackenridge, Bradbury, Brett, Bryan, Carter of C., Carr, Conwell, Cook, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Evans, Gaddes, Green, Han-

naman, Hardesty, Hargrove, Henkle, Hoagland, Howard, Johnson of M., Johnston of F., Kelso, Kilgore, Liston, Lockhart, Marshall, M^cCalley, McDougale, McIntire, Mendenhall, Moore, Nave, Newman, Parks, Puckett, Ray, Rockhill, Schooling, Shank, Shaw, Smith of F., Smith of R. Stafford, Stanford, Storm, Strain, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Willet, Wilson of P., Wilson of V. Woodruff, and Gregory, Speaker—67.

So said motion was decided in the negative.

The previous question was then put, to wit:

Shall the main question be now put?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bell, Bennett, Bigger, Bower, Brackenridge, Brett, Bryan, Carr, Carter of C., Chapman, Conwell, Cook, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Evans, Gaddes, Green, Hannaman, Hardesty, Hargrove, Henkle, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Kelso, Kilgore, Liston, Lockhart, Marshall, M^cCalley, McDougale, McIntire, Mendenhall, Moore, Nave, Newman, Parks, Puckett, Rockhill, Schooling, Shank, Shaw, Smith of F., Smith of R. Stafford, Stanford, Storm, Strain, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Willet, Wilson of P., Wilson of V., Woodruff, and Gregory, Speaker—67.

And those who voted in the negative are,

Messrs. Bradbury, Harris, Leslie, Phelps, Ray, Wilson of H. and Wright,—7.

So said call was sustained by the House.

The said main question was then put, to wit:

Shall the amendments be engrossed and the bill read a third time on to-morrow?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bigger, Bradbury, Brett, Bryan, Carr, Carter of C., Chapman, Conwell, Cook, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Evans, Hannaman, Hardesty, Henkle, Hoagland, Howard, Johnson of M., Johnston of F., Kelso, Kilgore, Marshall, McDougale, McIntire, Moore, Nave, Newman, Parks, Puckett, Ray, Rockhill, Schooling, Shaw, Smith of F., Stafford, Stanford, Storm, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Willet, Wilson of P., Wilson of V., Woodruff, and Gregory, Speaker—54.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bower, Brackenridge, Gaddes, Green, Hargrove, Harris, Howell, Latshaw, Leslie, Liston, Lockhart, McCal-

ley, Mendenhall, Phelps, Shank, Smith of R., Strain, Wilson of H., and Wright—20.

So said main question passed in the affirmative.

On motion of Mr. Wallace, the rules of the House were for that purpose suspended, and said bill was read a third time.

And on the question, shall said bill pass?

The ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bigger, Bradbury, Brett, Bryan, Carr, Carter of C., Conwell, Crume, Culbertson, Curry, Curtis, Davis, Dunning, Evans, Hannaman, Hardesty, Henkle, Hoagland, Howard, Johnson of M., Johnston of F., Kelso, Kilgore, Marshall, McDougale, McIntire, Moore, Nave, Newman, Parks, Puckett, Ray, Rockhill, Schooling, Shaw, Smith of F., Stafford, Stanford, Storm, Thompson, Torbet, Vawter, Walker, Wallace, Willet, Wilson of P., Wilson of V., Woodruff, and Gregory, Speaker—52.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bower, Brackenridge, Chapman, Cook, Gaddes, Green, Hargrove, Harris, Howell, Leslie, Liston, Lockhart, McCalley, Mendenhall, Phelps, Schooling, Smith of R., Strain, Vandever, Wilson of H., and Wright—23.

So said bill passed.

The title of said bill was thereupon amended by adding thereto the words "and for other purposes."

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence in the amendments made by the House.

Mr. Bigger then moved to re-consider the vote on the passage of the engrossed joint resolution of the Senate (No. 50) for the benefit of the Secretary of State.

And before any decision was had thereon,

The House adjourned until half past 1 o'clock P. M.

Half past 1 o'clock P. M.

The House met pursuant to adjournment,

And proceeded to consider the orders of the day.

The bill (No. 95) to legalize the proceedings of the commissioner on a certain State Road therein named;

The bill (No. 98) for improving Eel river in the county of Clay;

The bill (No. 99) to amend an act entitled "an act to regulate the mode of doing county business in the several counties in this State," approved Jan. 19, 1831;

The bill (No. 111) to incorporate the town of Newport in Wayne county;

The bill (No. 105) to change a State Road in Posey county;

The bill (No. 106) for the relief of the purchasers of Michigan Road and Canal Lands;

The bill (No. 123) to establish a State Road from Logansport to the town of Lagro;

The bill (No. 125) to establish a State Road from Logansport to the Rapids of the Iniquois river;

The bill (No. 127) to locate a State Road from Goshen to Plymouth;

The bill (No. 128) to amend an act entitled "an act to appropriate part of the 3 per cent. fund," approved Jan. 31st 1833;

The bill (No. 133) to establish a State Road from Delphi via Camden to the Michigan Road;

The bill (No. 134) to locate a State Road therein named; and

The bill (No. 136) to locate a State Road from Rockport to the head of French Island;

Were severally read a second and third times (the rules of the House having been dispensed with) and passed.

Ordered, That they be entitled acts, and that the Clerk carry them to the Senate and ask their concurrence.

The bill (No. 94) declaring a certain road, therein named, a State Road,

Was read the second time, when,

On motion of Mr. Phelps, it was amended by making the road leading from Levenworth via the place formerly occupied by Charles Lynch, till it intersects the Princeton State Road at or near where said road crosses Little Blue river in Crawford county, subject to the provisions of said act.

Said bill was then read a third time and passed.

The title of said bill was then amended by adding the letter "s" to the word "road" therein.

Ordered, That it be entitled an act, and that the Clerk carry the same to the Senate and ask their concurrence.

The bill (No. 93) to amend an act approved Feb. 10th 1831, entitled "an act to establish and regulate ferries,"

Was read the second time,

When Mr. Storm moved to amend by striking out one year, and inserting two in lieu thereof;

Which was decided in the negative.

Said bill was then read a third time and passed:

Ordered, That it be entitled an act, and that the Clerk carry the same to the Senate and ask their concurrence.

The joint resolution (No. 96) of the General Assembly of the State of Indiana relative to the State House,

Was read a second time, when

Mr. Crume moved to strike out thereof all that part which relates to a change in the plan of the State House;

Pending which, Mr. Dunning moved to lay the same on the table;

Which was decided in the affirmative.

The bill (No. 97) to repeal the 7th section of an act entitled "an act regulating taverns and groceries," approved Feb. 3, 1832,

Was read a second time, and,

On motion of Mr. Smith of F.,

The further consideration thereof was indefinitely postponed.

The bill (No. 100) to amend an act supplementary to an act authorizing the sale of one of the reserved sections of land in the reserved township of land in Monroe county," approved Feb. 9th, 1831,

Was read the second time, when

The same was amend on motion of Mr. Dunning by making it take effect from and after its passage.

Said bill was then read a third time and passed.

Ordered, That it be entitled an act, and that the Clerk carry the same to the Senate and ask their concurrence.

The bill to amend the 50th section of an act entitled "an act for assessing and collecting the revenue." approved Feb. 10, 1831,

Was read the second time, when

Mr. Phelps moved to indefinitely postpone the same.

Pending which motion,

Mr. Hardesty moved that it be ordered to lie upon the table;

Which was decided in the negative.

The question then recurring on the motion of Mr. Phelps to postpone indefinitely, it was put;

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bradbury, Carter of C., Gaddes, Hardesty, Henkle, Nave, Phelps, Ray, Smith of R., and Willet—10.

And those who voted in the negative are,

Messrs. Armstrong, Bell, Bennett, Bigger, Bower, Brackenridge, Brett, Bryan, Carr, Chapman, Couwell, Cook, Crume, Culbertson, Curtis, Davis, Dunning, Evans, Green, Hannaman, Hargrove, Harris, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Kelso, Leslie, Liston, Lockhart, Marshall, McCalley, McDougle, McIntire, Mendenhall, Newman, Parks, Puckett, Schooling, Shank, Shaw, Smith of F., Stafford, Stanford, Storm, Strain, Thompson, Torbet, Vanderveer, Vawter, Walker, Wallace, Wilson of H., Wilson of P., Woodruff, Wright, and Gregory, Speaker—57.

So said motion did not prevail.

Mr. Brackenridge moved to amend the bill as follows:

Strike out "three hundred," and insert "five hundred," and then insert the following:

Sec. That in determining the amount of the license, the board doing county business, shall take into consideration the amount employed in trade, whether vested in foreign or domestic goods.

Whereupon, Mr. Howell moved to amend the proposed amendment by adding thereto the following, viz:

"And also the amount of capital employed in foreign and domestic groceries, and levy a tax accordingly, not less than two nor more than five dollars;"

Which was not agreed to.

Mr. Crume moved to strike out the first clause of the proposed amendment;

Which was decided in the negative.

The question then recurring on the adoption of the proposed amendment,

It was decided in the negative.

Said bill was then read a third time—

And on the question, shall the bill pass?

The ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bell, Bigger, Bower, Brett, Bryan, Carr, Carter of C., Conwell, Cook, Crume, Culbertson, Curtis, Davis, Dunning, Evans, Green, Hannaman, Hargrove, Henkle, Harris, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Leslie, Liston, Lockhart, Marshall, McCalley, McDougle, M'Intire, Moore, Parks, Schooling, Shank, Shaw, Smith of F., Storm, Strain, Vandever, Walker, Wallace, Wilson of H., Wilson of P., Wilson of V., Woodruff, Wright and Gregory, speaker—50.

And those who voted in the negative are,

Messrs. Bennett, Brackenridge, Bradbury, Gaddes, Hardesty, Mendenhall, Nave, Newman, Phelps, Puckett, Ray, Rockhill, Smith of R., Stafford, Stanford, Thompson, Vawter, and Willet—18.

So said bill passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The joint resolution of the General Assembly of the State of Indiana [No. 103] relative to the Tippecanoe battle ground, was read the second time; and,

On motion of Mr. Wallace,

Ordered, That the same do lie on the table.

The bill (No. 104) to appropriate part of the Three per cent. Fund, was read a second time; and,

On motion of Mr. Dunning,

The same was amended, by adding the following to its provisions:

Sec. That there is hereby appropriated out of said fund, \$75, to the improvement of the navigation of so much of Bean-blossom creek, as lies between Millikan & Hites' mills, and that Andrew Wampler, be the commissioner to expend said money on said creek, and that he be governed in every particular, as the commissioners herein appointed are governed; and that the commissioner of said fund be

compelled to pay over all moneys for appropriations heretofore made in the order in which they were appropriated; and if any money has been appropriated heretofore, and the whole sum so appropriated, has not been used, or is not required for that particular object, then he shall consider the overplus as surplus funds, and be bound to pay over the same, to discharge subsequent appropriations, and if he shall fail so to do, the board doing county business, shall remove him, and appoint another.

On motion of Mr. Vawter,

The following were added as additional sections, namely:

Sec. 7. That John Brandon, of Jennings county, be appointed commissioner, to expend \$150, money heretofore appropriated to said county, on that part of the Madison and Indianapolis State road, that lies between the Jefferson county line and Graham creek.

Sec. 8. That Harvey Robb, of said county, be appointed commissioner, to expend \$125 on that part of said road, that lies between the farms of Wm. Sanford and Samuel Wilson.

Sec. 9. That Thomas McGannon, be appointed commissioner to expend \$75 on that part of said road, that lies between said Graham creek, and the town of Vernon.

Sec. 10. That Adam Keller be appointed commissioner, to expend \$50 on that part of the Vernon and Fort Wayne State road, that lies between said Keller's and Edward Devires.

Sec. 10. The above commissioners shall improve their respective roads by casting up the same in the centre, making a clay turnpike. Said commissioners shall give bond and security to the board of county commissioners of said county, for the faithful discharge of their duties, and shall settle their accounts with said board at least once in each year.

Sec. 11. The board of county commissioners shall allow and direct the payment of the above sums in the order herein above named, out of any money heretofore appropriated out of the 3 per cent. fund to said county of Jennings, and shall make such allowance to said commissioners as they may deem reasonable for labour done or services rendered, not exceeding one dollar per day for each and every day they may be actually engaged in the service hereby assigned them, to be ascertained on the oath of the commissioner, at the time of settling his or their accounts.

On motion of Mr. Stanford, the following were incorporated in said bill, as additional sections:

Sec. That the Treasurer of State or other officer, having charge of the 3 per cent. fund, be and he is hereby authorized and required to pay over to William Shannon of the county of Henry, one hundred and thirty dollars and sixty-one cents, that being the balance remaining in his hands, which was formerly appropriated to road No. 20, and which John C. Kibby, of Wayne county, was entitled to draw and expend on said road; which money the said William Shannon is hereby authorized to draw.

Sec. And when the money aforesaid shall be drawn by the said

William Shannon, he shall pay the same over to Thomas Hobson of Henry county, who is hereby appointed a commissioner to expend the same in the construction of a bridge over Flat rock creek, where the State road leading from Richmond in Wayne county to Newcastle in Henry county crosses the same, or in such other improvements on said road as he may deem best calculated to promote the public interest; which improvements shall be made prior to the first day of Jan. 1836.

Sec. Said commissioner shall keep a correct account of the contracts let, and the amount of money paid on each, and report the same to the board doing county business in the county of Henry at their January term in the year 1836. Said commissioner may retain in his own hands a sum sufficient to pay him for his services as required by this act, which shall be such as said board of county commissioners may deem reasonable.

Sec. Any law coming within the purview of this act, is hereby repealed.

This act to take effect and be in force from and after its passage."

Said bill, (the rules of the House having been dispensed with) was then read the third time and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence therein.

Mr. Evans from the select committee to which had been referred the engrossed joint memorial from the Senate, praying a grant of land to aid in the construction of a rail road from Evansville to Lafayette, reported the same back to the House with sundry amendments;

Which were severally read and concurred in, and the memorial was read a third time and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence in the amendments made by the House.

Mr. Crume, from the Committee of Ways and Means, to which had been committed the engrossed bill of the Senate (No. 57) for the benefit of Alexander Lowry, reported the same to the House without amendment.

Said bill was thereupon read the third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Parks made the following report:

The select committee to whom was committed a bill of the Senate (No. 19) to amend an act entitled "an act to provide for the improvement of the navigation of the Wabash river," approved February 1, 1834, have had the same under their consideration, and have directed me to make the following report:

That in July 1829, a balance of \$418 15, of the appropriation of 1821 to road No. 8, remained in the hands of the Agent; that at the session of 1832 of the General Assembly, there was appropriated to the building of a bridge across Lost creek, in Orange county, the sum of \$104 50; to the building of a bridge across Salt creek in Lawrence county \$104 50; to that part of road No. 8, which lies in Crawford county \$104 50 and to that part of said road which lies in the county of Monroe \$104 50; that on June 30, 1832 (as appears from the books

of the Agent) William Kelsey, commissioner of Salt creek bridge in Lawrence county, received from the Agent \$104 50; on August 11th, of the same year, C. Hall, Commissioner of Crawford county, received \$104 50; and on Sept. 8, of the same year, B. Rodgers of Monroe county, received \$104 50, which several payments were reported to the General Assembly, Dec. 1, 1832.

That at the date of said report, (Dec. 1, 1832) there remained in the hands of the Agent, the sum of \$104 50, which by an act of the Legislature at its session of 1833, was appropriated to Salt creek bridge, in Lawrence county, and was drawn by William Kelsey, commissioner of said bridge, from the Agent, on 27th Sept. 1833.

Mr. Stafford moved to amend the bill mentioned in said report, by adding thereto the following:

"Sec. That the said sum of one hundred and four dollars and fifty cents be, and the same is hereby appropriated to so much of road number 8, as lies between where the same crosses the southern boundary of Morgan county and Indianapolis, under the direction of the board doing county business in the county of Morgan;" and by making a corresponding modification of the preamble and conflicting parts of the bill;

Which was decided in the negative.

Said bill was then read a third time and passed, (the rules having been dispensed with.)

Ordered, That the Clerk inform the Senate thereof.

Mr. Rockhill, from a select committee to whom had been referred a petition on that subject, reported.

A bill (No. 270) to authorise the location of a state road from Manhiem in Adams county to the eastern boundary of this state, in a direction to Wilshire in the state of Ohio;

Which was read three times, (the rules having been suspended) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

On motion of Mr. Bigger,

The joint resolution relative to the Tippecanoe battle ground, (No. 103) heretofore laid on the table,

Was taken up, and

On motion of Mr. Bigger, amended by adding the following clause, viz:

"Be it further resolved, That his excellency the Governor be, and he is hereby requested to tender to the Hon. John Tipton the acknowledgments of this General Assembly, in behalf of the people of Indiana, for his liberal proposal to surrender the Tippecanoe battle ground to the State."

Said resolution was then read the third time and passed, (after a suspension of the rule for that purpose.)

Ordered, That the Clerk carry the same to the Senate and asked their concurrence.

Mr. Vandever, on leave being granted, presented

A bill [No. 271] to locate a certain state road therein named;

Which was (the rules being for the present dispensed with) read three times and passed.

Ordered, That it be entitled an act, and that the Clerk carry the same to the Senate and ask their concurrence.

Mr. Bryan made the following report:

The select committee to whom was referred the bill of the Senate, [No. 132]

entitled an act to locate a state road from Edinburgh to Greensburgh, have had the same under consideration, and directed me to report the same with one amendment.

And before the question was had on concurrence in said report,

Ordered, That it lie on the table.

Mr. Kelso, from the select committee to which was referred a bill [No. 88] to enable the commissioners of the county of Crawford to appoint a school commissioner for a certain township therein named, reported the same back to the House without amendment.

Said bill was then read a third and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Chapman made the following report:

The judiciary committee to whom was referred a resolution directing them to inquire what additional number of the Revised Code were necessary for the county of Lagrange, have had that subject under consideration, and directed me to report a joint resolution on that subject.

The said joint resolution [272] entitled a joint resolution on the subject of furnishing Lagrange county, with additional numbers of the revised code,

Was read three times, (the rules of the House having been dispensed with) and passed.

Ordered, That the Clerk carry the same to the Senate and ask their concurrence.

Mr. Shaw, after having obtained leave, presented a joint resolution [No. 273] for the benefit of certain French settlers in Vincennes;

Which was twice read by consent, and ordered to be engrossed and read a third time to-morrow.

The House then resumed the consideration of the orders of the day.

Engrossed bills form the Senate of the following titles:

An act (No. 34) in relation to school commissioners' deeds;

An act (No. 36) to provide an additional place of holding elections in Tobin township, Perry county; and

An act (No. 37) explanatory of an act to appropriate part of the 3 per cent. fund, approved Jan. 31, 1833;

Were severally read the second and third times, by consent, and passed.

Ordered, That the Clerk inform the Senate thereof.

On Motion of Mr Kelso,

The bill (No. 243) to authorize the redemption of land returned to school commissioners for the non-payment of taxes and for other purposes, was taken from the table, and amended by restricting its provisions to Jefferson county.

The said bill was then read the third time and passed.

On motion of Mr. Kelso,

Its title was amended by inserting "Jefferson county" after the word "taxes."

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

The engrossed bill from the Senate [No. 27] in amendment to an act entitled an act for assessing and collecting the revenue, approved Feb. 10, 1831,

Was read the second time, and,

On motion of Mr. Crume, indefinitely postponed.

The engrossed joint resolution from the Senate [No. 46] on the subject of the militia,

Was read the second time and ordered to be read a third time to-morrow.

The engrossed bill from the Senate [No. 47] supplementary to an act approved Feb. 1, 1834, to amend an act entitled an act to provide for the commissioning of Sheriffs and Coroners and regulating their duties, approved Feb. 7, 1824,

Was read the second time, and,

On motion of Mr. Crume, indefinitely postponed.

Thy bill [No. 114] to amend an act entitled an act incorporating congressional townships and providing for public schools therein, approved Feb. 2, 1833,

Was read the second time.

On motion of Mr. Leslie,

Its provisions were limited to Harrison county.

On motion of Mr. Harris,

Clay county was also included.

The said bill was then read the third time and passed.

On motion of Mr. Kelso,

The title thereof was amended by adding these words:

"So far as relates to Harrison and Clay counties."

Ordered, That said bill be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

The joint resolution [No. 115] relative to the Governor's Circle and certain lots in the town of Indianapolis,

Was read the second time.

Mr. Johnson of M. moved to strike out so much as relates to the Governor's Circle;

Which motion did not prevail.

A motion was made by Mr. Crume that it be postponed indefinitely;

Which was determined in the negative.

The Speaker moved (Mr. Bigger at the time occupying the chair) to insert a clause authorizing the Agent of State to sell the Governor's Circle on the first Monday in December next;

Which motion did not prevail.

Ordered, That said joint resolution be engrossed and read a third time to-morrow.

The bill [No. 116] amendatory of the act for opening and repairing public roads and highways, approved Feb. 10, 1831,

Was read the second time, and,

On motion of Mr. Kelso, indefinitely postponed.

The bill [No. 117] to authorize the location of a state road from Indianapolis to Peru the county seat of Miami county, was read the second time and,

On motion of Mr. Hannaman, amended as follows:

Strike out "Peru the county seat of Miami county," and insert, "to intersect the state road leading from Strawtown in Hamilton county, to Miamisport, at or near a farm commonly called the Bacon farm.

Sec. 2—Strike out "Miami."

Sec. 3—Strike out "and Miami."

On motion of Mr. Johnson of M.,

The third section of the bill was stricken out, and the following inserted in lieu thereof:

"The commissioner aforesaid is hereby authorized to employ a competent surveyor and other necessary hands to assist in the location of said road: and that the boards doing county business in the several counties of Marion and Hamilton shall make such allowance to said commissioner, surveyor, and other hands necessarily employed, as they shall deem reasonable, to be paid out of any moneys in the treasuries of the aforesaid counties not otherwise appropriated; each county to pay its proper proportion of said expense according to the work and labor performed within such county, and no more."

The said bill was then read the third time and passed;

And the title thereof amended by striking out all after "Indianapolis," and inserting "to the Strawtown road."

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

The bill [No. 118] to establish a state road from Alexander Cox's in Morgan county, to Indianapolis, was read the second and third times by consent and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

The bill [No. 119] to amend the third section of an act entitled an act establishing a state bank, was read the second time, and,

On motion of Mr. Rockhill, indefinitely postponed.

Mr. Woodruff, after having obtained leave, presented

A bill [No. 274] to change the name of Hannah Nash to Hannah Hardin;

Which was three times read by consent and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Kelso, after having obtained leave, presented

A bill [No. 275] supplemental to an act entitled an act to change a part of the state road leading from New-York in Switzerland county, to intersect the state road leading from Vevay in said county, to Versailles in Ripley county, approved January 15, 1834;

Which was three times read by consent and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Brackenridge, after having obtained leave, presented

A bill [No. 276] for the benefit of Warrick county;

Which was three times read by consent and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Howell moved to re-consider the vote heretofore taken on laying on the table the resolution of the Senate fixing on Monday next for the adjournment of the two Houses *sine die*;

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bennett, Bower, Brackenridge, Chapman, Cook, Gaddes, Hardesty, Hoagland, Howell, Johnston of F., Leslie, Liston, Lockhart, McCalley, Nave, Parks, Phelps, Ray, Schooling, Shank, Shaw, Stanford, Strain, Vandever, Wilson of H., Woodruff, and Wright—29.

And those who voted in the negative are,

Messrs. Bigger, Bradbury, Brett, Bryan, Carter of C., Crume, Curtis, Davis, Dunning, Green, Hargrove, Harris, Howard, Kelso, Marshall, McDougale, McIntire, Moore, Newman, Puckett, Rockhill, Stafford, Storm, Thompson, Torbet, Vawter, Walker, Wallace, Wilson of P., and Gregory, Speaker—30.

So said vote was not re-considered.

The bill [No. 131] to change the boundaries of the counties of Carroll and White, was read the second time, and,

On motion of Mr. Carter of C., laid on the table.

And then the House adjourned.

FRIDAY MORNING, Jan. 30, 1835.

The House met pursuant to adjournment.

The Speaker laid before the House a letter from John B. Moyer, Esq. conveying information of the infirm state of health of the Hon. S. B. A. Carter, a member of this House.

The House resumed the consideration of the message from the Senate, postponed on yesterday morning.

The several amendments proposed by the Senate to the engrossed bills of the House, Nos. 37, 180, and 135, were severally read and concurred in.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate on Tuesday last, by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate has passed bills of the Senate, entitled as follows:

No. 119—an act to incorporate the Lawrenceburgh, Aurora, Rising Sun, and Hartford turnpike company;

No. 139—an act to incorporate the Crawford county seminary;

No. 135—an act to authorize a suit in behalf of the State, against the Wabash insurance company;

No. 136—an act to authorize the re-locating of the State road from Louisville, in Henry county to Middletown;

Also, bills of the House, entitled as follows:

No. 61—an act to repeal part of an act supplemental to an act or acts, incorporating the borough of Vincennes, approved Jan. 27, 1834;

No. 65—an act to amend an act entitled an act to provide for draining the swamps, ponds, marshes, and other low lands, within the counties of Tippecanoe, Montgomery, Clinton, and Warren;

No. 77—an act to locate a State road from New Harmony to Evansville; and,

No. 223—an act to establish the name of Jefferson Nelson Redman and family;

Nos. 61 and 77 without, and Nos. 65 and 223 with amendments to each.

In which bills of the Senate and the amendments proposed to the bills of the House, the concurrence of the House of Representatives is requested.

The bill (No. 119) mentioned in said message, was read the first and second times; and,

On motion of Mr. Walker,

Ordered, That the same do lie on the table.

The engrossed bill (No. 129) mentioned in said message, was read a first and second time—when,

On motion of Mr. Phelps,

The same was amended as follows:

1. Strike out the first section from the enacting clause, and insert the following:

“That the qualified voters living in Crawford county are hereby authorized to elect at their next April election, one seminary trustee in each township in said county, by a vote of the whole county, and the qualified voter living in each township receiving the highest number of votes given in at said election in the whole county, shall be considered as duly elected trustee.”

2. Strike out the fourth section, and insert the following in the place of it:

“The election of trustees for the Crawford county seminary, shall in all respects be governed according to the act entitled an act to regulate general elections, approved Jan. 30, 1831, if not otherwise specified by this act.”

3. Strike out, in the fourth and fifth lines of section five,

“Township for which such trustee was elected,” and insert “the qualified voters of Crawford county.”

4. After the word “vacancy,” in the fifth line of the fifth section, insert “and the qualified voter, a resident of the township in which the vacancy may happen, who shall receive the highest number of votes, in the whole county, for seminary trustee, shall be considered as duly elected.”

5. In the eighth line of the fifth section, strike out “said,” and insert “each.”

6. After the word "township," in the fifteenth line of the fifth section, add, "which notice shall be given and advertised by the sheriff of Crawford county."

7. Strike out "said," in the third line of the eleventh section, and insert, "the present."

8. After the word "trustee," in the fourth line of the eleventh section, add, "of Crawford county."

9. Add, as an additional, the following:

Sec The present seminary trustee of Crawford county, or the trustees who may be elected according to the provisions of this act, shall have power to demand and receive from the Treasurer of State, the due proportion of all money paid into his office, received from persons conscientiously scrupulous of bearing arms, to which said county of Crawford is or may be entitled, whose receipt or order shall be a sufficient voucher for the same.

Said bill was then (after a suspension of the rule) read a third time and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence in the amendments made thereto by the House.

The further consideration of said message was for the present postponed;

When Mr. Green, from a select committee on that subject, reported

A bill [No. 277] to locate a State road in Posey and Vanderburgh counties;

Which was (the rules being suspended) read three several times, and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

Mr. Evans, from a select committee to which was referred the bill [No. 267] to amend an act entitled an act concerning grist-mills and millers, approved Feb. 10, 1831;

Reported the same back to the House with several amendments.

Mr. Vandever moved to postpone indefinitely the further consideration of the same.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bell, Bennett, Bigger, Bower, Bryan, Chapman, Conwell, Dunning, Hardesty, Johnson of M., Johnston of F., McCalley, Mendenhall, Nave, Newman, Parks, Phelps, Rockhill, Smith of F., Storm, Thompson, Vandever, Willet, Wilson of H.—24.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Brackenridge, Bradbury, Brett, Carr, Carter of C., Crume, Culbertson, Curry, Curtis, Davis, Evans, Gaddes, Green, Hannaman, Hargrove, Harris, Henkle, Hoagland, How-

ard, Howell, Kelso, Kilgore, Leslie, Liston, Lockhart, Marshall, McDougale, M'Intire, Puckett, Ray, Schooling, Shank, Shaw, Stafford, Stanford, Strain, Torbet, Vawter, Walker, Wilson of P., Woodruff, Wright and Gregory, speaker—45.

And so it was decided in the negative.

The amendments were then severally read and concurred in.

On motion of Mr. Evans,

The operation of said act was confined to the county of Fountain.

On motion of Mr. Hargrove,

Its provisions were also extended to the county of Gibson.

Said bill was then read a third time and passed.

Ordered, That it be entitled an act, and that the clerk carry the same to the Senate and ask their concurrence.

The House then resumed the consideration of the last named message from the Senate.

The engrossed bill of the Senate in said message [No. 135] was read a second time;

When Mr. Kelso moved to commit the same to a select committee;

Which was decided in the negative.

Said bill was then read the third time and passed, (after the suspension of the rule).

Ordered, That the clerk inform the Senate thereof.

Engrossed bill (No. 136) in said message, was read three times, (the rules being dispensed with for that purpose) and passed.

The several amendments proposed by the Senate to the engrossed bills of the House, Nos. 65 and 223, named in the message,

Were severally read and concurred in.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate, on Tuesday last, by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate concur in the amendment proposed by the House to the amendment proposed by the Senate to the engrossed bill of the House [No. 73] entitled

An act to amend an act entitled an act to re-locate a part of the state road from Levenworth to Paoli, approved Feb. 1, 1834—and likewise to amend an act entitled an act to establish a state road from Rome in Perry county, to Paoli in Orange county, approved Feb. 1, 1834.

They recede from their 2d amendment to the bill of the House [No. 130] entitled

An act to incorporate the Harmony Manual Labor College at or near New Harmony, Posey county, Indiana.

The Senate recede from their 1st amendment to the engrossed bill of the House [No. 129] entitled

An act to establish a state road from Bowlinggreen in Clay county, to Osborn's ferry in Green county.

They insist on their amendment to the engrossed bill of the House [No. 139] entitled

An act to organize the county of Kosciusko.

They recede from their amendments proposed to the joint resolution and memorial of the House [No. 163] in relation to certain saline reservations therein mentioned.

They concur in the amendment proposed by the House to the amendment proposed by the Senate to the bill of the House [No. 170] entitled an act to authorize Michael E. Israel to build a toll bridge across Hogan creek in Dearborn county.

They insist on all their amendments to the engrossed bill of the House [No. 126] entitled

An act laying out all the unorganized territory to which the Indian title has been extinguished in this state into a suitable number of counties, and for other purposes.

On motion of Mr. Chapman the House insisted on their disagreement to the amendment of the Senate to the engrossed bill of the House [No. 139] mentioned in said message.

Ordered, That Messrs. Chapman and Liston be appointed a committee of free conference to take into consideration, with a similar committee to be appointed on the part of the Senate, the disagreeing vote of the two Houses on the subject of said amendments; and that the Clerk inform the Senate thereof.

On motion of Mr. Bigger,

The House insisted on their disagreement to amendments of the Senate proposed to the engrossed bill of the House [No. 126] named in said message.

Ordered, That Messrs. Bigger, Rockhill, and Liston be appointed a committee of free conference to take into consideration, with a similar committee, to be appointed on the part of the Senate, the disagreeing vote of the two Houses on the subject of said amendments; and that the Clerk inform the Senate thereof.

The following message was received from the Senate, by Mr. Feeny a member:

Mr. SPEAKER—

The Senate has passed an engrossed bill [No. 142] to incorporate the Montezuma Steam Mill Company;

In which I am instructed to ask the concurrence of the House of Representatives.

The engrossed bill named in the last message, [No. 142] was read three several times (the rules of the House being first dispensed with) and passed.

Ordered, That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Morris, their Secretary:

Mr. SPEAKER—

The Senate concur in the amendment proposed by the House to the

bill of the Senate [No. 126] entitled an act to appropriate a part of the 3 per cent. fund of Perry and Spencer counties.

The Senate insist on their several amendments to the engrossed bill of the House [No. 84] entitled an act authorizing the laying off into seminary districts the several counties herein mentioned, and for other purposes.

They have passed an engrossed bill of the Senate entitled

No. 123—An act to amend an act entitled an act for the incorporation of county libraries;

In which bill of the Senate the concurrence of the House of Representatives is requested.

On motion of Mr. Vandever, the House receded from its disagreement to the amendments proposed by the Senate to the engrossed bill of the House [No. 84] named in the last message.

The engrossed bill of the Senate [No. 123] named in said message, was twice read, when,

On motion of Mr. Nave,

The same was amended by striking out the syllable "in" in the word "inlots" where it occurs in said bill.

Said bill was then read a third time and passed, (the rules being for the purpose suspended.)

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence in the amendment.

Mr. McDougale, on leave being granted, presented.

A bill [No. 278] supplementary to an act entitled an act to authorize the President and Managers of the New-Albany School to sell certain real estate, approved Jan. 26, 1835;

Which was, after a suspension of the rule, read three several times and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The following message was received from the Governor, by Mr. Ketcham his private secretary:

MR. SPEAKER—

I am directed by his excellency the Governor to inform the House of Representatives that he approved the following acts and joint resolution on the 29th inst., which originated in the Senate:

No. 109—An act to legalize the proceedings of the board of commissioners of Putnam county;

No. 110—An act for the relief of the securities of Russel Comyn late collector for the county of Dearborn;

No. 107—An act declaring a county road leading from Mooresville in Morgan county, to Peter Andrews' in Shelby county, a state road;

No. 114—An act to authorize the clerk of the Posey circuit court to appoint an assessor;

No. 113—A joint resolution on the subject of Blackford's Reports.

And that the acts entitled as follows were approved on the same date, which originated in the House of Representatives:

No. 21—An act for the relief of Nathan Padgett;

No. 237—An act to alter a part of the Mooresville and Crawfordsville state road lying between Mooresville and the National Road in Hendricks county;

No. 132—An act to amend an act entitled an act to provide for the improvement of the navigation of the Wabash river;

All of which have been filed in the Secretary's office.

The following message was received from the Senate by Mr. Morris their Secretary:

MR. SPEAKER—

The Senate has passed an engrossed bill of the Senate,

No. 92—Entitled and act to provide for the furnishing and preservation of the State House;

Also bills of the House entitled as follows:

No. 250—An act to establish a certain state road therein named;

No. 251—An act to vacate the town of New Lexington;

No. 258—An act authorizing the school commissioner of Lawrence county to re-value and sell the west half of the N. E. quarter of section 16, in town 6, N. of Range one east; and

No. 221—An act to incorporate the Wayne and Union turnpike company, and the Brownsville and Centreville turnpike company;

All without amendment, except No. 258.

In the amendment proposed to this, and to the bill of the Senate, the concurrence of the House of Representatives is requested.

The engrossed bill of the Senate in said message, (No. 92) was read a first and second time, when

Mr. Wallace moved to amend it by directing the commissioners to cause the tables in the two Halls to be covered with green baze and neatly bound with thin sheet iron or japanned tin, and furnished with lock and key;

Which motion passed in the affirmative.

On motion of Mr. Dunning,

That clause in said bill, providing for the erection of a stake and rider fence, was stricken out.

Mr. Kilgore, then moved to fill the blank, by inserting "an iron railing;"

Which was decided in the negative.

On motion of Mr. Strain,

The blank was filled by inserting the words "a plank fence for the time being."

Mr. Bigger moved further to amend by inserting in the proper place, the following:

"That suitable carpets be furnished for the floor of the Hall of Representatives and Senate chamber."

Mr. Evans, then moved to amend the amendment proposed by Mr. Bigger, by making provision for "spit boxes;"

Which motion prevailed.

The amendment as amended was then adopted;

And the bill, (after suspending the rule) was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence in the amendments.

The amendment proposed by the Senate to the bill of the House, (No. 258) was read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Governor, by Mr. Ketcham his private Secretary:

Mr. SPEAKER—

I am directed by his Excellency the Governor to inform the House of Representatives that he approved, on the 30th inst., the acts entitled as follows, which originated in the House of Representatives:

No. 74—An act providing for the holding of the terms of the circuit courts in the eighth judicial circuit.

No. 198—An act to change the time of holding the courts in the sixth judicial circuit.

The following message was received from the Senate, by Mr. Morris, their Secretary:

Mr. SPEAKER—

The Senate concurs in the amendments proposed by the House to the bill of the Senate, [No. 111.] entitled an act to provide for the further prosecution of the Wabash and Erie Canal, with amendments to the 1st, 3d, and 10th of said amendments.

They have passed engrossed bills, &c. of the Senate entitled as follows, to wit:

No. 144—An act to re-locate a part of the state road from Greencastle in Putnam county to Carlisle in Sullivan county; and

No. 145—A memorial and joint resolution for the benefit of Madison Collins.

Also bills of the House entitled as follows

No. 120—An act to provide for the re-location of the seat of justice of Dearborn county, and for other purposes;

No. 159—An act to establish a certain state road in Delaware and other counties:

No. 229—An act to incorporate the Leesville steam mill company;

No. 235—An act to amend an act to extend the provisions of an act therein named to Marion county,

No. 263—An act to provide for the expenditure of part of the 3 per cent. fund appropriated to Shelby and Rush counties, and for other purposes; and

No. 266—An act to locate a certain state road therein named;

In which bills of the Senate, and to the amendments proposed to the bills [Nos. 120 and 239] of the House, and the amendments proposed to the 1st 3d and 10th amendments of the House to bill [No. 111] of the Senate, the concurrence of the House of Representatives is requested.

The amendments of the Senate to the 1st and 3d amendments of the House, to the engrossed bill of the Senate [No. 111] were severally read and concurred in.

The amendment of the Senate to the 10th amendment of the House thereto, was read, when

Mr. Bigger moved to amend as follows, viz:

Insert at the beginning of the Senate's amendment the word "before," and strike out all after the words "works are made," each engineer appointed to make surveys and estimates, under the provisions of this act, of any rail roads, turnpike roads, or canal route, shall before entering upon the discharge of his duties, take an oath before

some proper officer, for the faithful performance of such duties as are required of him by this act, according to the best of his skill and ability, a copy of which oath, certified by the officer administering the same, shall be, by said engineer, filed in the office of the Secretary of State.

And on the question to adopt the same,

It was decided in the negative.

And the question of concurrence in the said amendment of the Senate being put,

It was carried in the affirmative.

Ordered, That the Clerk inform the Senate thereof.

The engrossed bill of the Senate (No. 144) was read the first time and passed to a second reading on to-morrow.

The engrossed joint resolution of the Senate, (No. 145) mentioned in the message, was read three times (the rules having been dispensed with) and passed.

Ordered, That the Clerk inform the Senate thereof.

The several amendments proposed by the Senate to the engrossed bills of the House, (Nos. 120 and 229) mentioned in said message, were severally read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

Mr. Cook presented the petition of Wm. Nicholson and others, citizens of this State, on the subject of the State Road leading from Rockford, in Jackson county, to Columbus, in Bartholomew county;

Which was read, and

Ordered, That the same do lie on the table.

Mr. Moore presented the petition of sundry citizens of Owen county, praying the passage of an act authorizing the sale of the 16th section in Washington township in said county;

Which was read, and

On motion of Mr. Moore,

Referred to the Committee on Education.

Mr. Marshall presented a bill (No. 279) for the relief of William Anderson, accompanied by the petition of said Anderson;

Which was read the first and second time, when

Mr. Hoagland moved to lay the same on the table;

Which was decided in the negative.

Mr. Wallace moved to amend by striking out "Jefferson county" where it occurs in said bill;

Which motion did not prevail.

The bill was then read a third time (the rules having been previously dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Bigger withdrew his motion to re-consider the vote taken on the passage of the engrossed joint resolution of the Senate (No. 50) for the benefit of the Secretary of State, pending when the House adjourned on yesterday morning.

Mr. Wilson of H. presented three several remonstrances of sundry

citizens of this State against the location of a State Road from Leavenworth to Corydon;

Which were laid upon the table.

Mr. Willet offered for adoption the following resolution:

Resolved, If the honorable the Senate agree thereto, that the General Assembly will adjourn, without day, on Monday the 9th of Feb.

Mr. Crume moved to lay said resolution on the table;

Which was decided in the negative.

Mr. Wilson of V. moved to amend the same by striking out "Monday the 9th," and inserting "Wednesday the 4th."

Mr. Bigger proposed Friday the 6th; when

Mr. Willet called for a division of the question,

And the question then recurring on striking out,

It was decided in the negative.

And so the House refused to strike out.

The question being then taken on the adoption of the resolution,

It was carried in the affirmative.

Ordered, That the Clerk inform the Senate thereof.

And then the House adjourned until half past one 1 o'clock P. M.

Half past 1 o'clock P. M.

The House met pursuant to adjournment.

Mr. Wallace, on leave being granted, presented a bill (No. 280) supplementary to "an act establishing a State Bank," approved Jan. 1834; Which was read the first time and passed to a second reading on tomorrow.

On motion of Mr. Harris,

The bill (No. 253) to amend "an act to provide for the improvement of the Wabash river," approved Feb. 1, 1834,

Heretofore laid upon the table, was taken up, and,

On motion of Mr. Kilgore,

Amended in the 2d section, so as to take the money required by the provisions of the act, out of the Wabash fund.

Said bill was then read the third time and passed, (the rules of the House having been dispensed with.)

Ordered, That it be entitled an act, and that the Clerk carry the same to the Senate and ask their concurrence therein.

Mr. Hannaman made the following report:

The select committee to whom was referred a resolution, requiring them to inquire into the expediency of memorializing Congress on the subject of appropriating lands to aid in constructing a canal, connecting the Wabash and Erie canal with the valley of White river, have directed me to report

A joint memorial and resolution (No. 281) to the Congress of the United States, on the subject of a canal down the valley of White river;

Which was twice read, when

Mr. Kilgore moved to amend said joint resolution, by striking out the word "instruct," so far as it relates to Senators in Congress; but before any question was had thereon, Mr. Vandever called the previous question, which being seconded by two members, was put, viz: Shall the main question be now put?

And decided in the affirmative.

Mr. Crume then moved to lay said joint memorial and resolutions on the table;

Which motion prevailed.

On motion of Mr. Strain, orders of the day which precede bill (No. 149) authorizing a loan of \$ 300,000 for the improvement of roads, and pledging the three per cent. fund for the payment thereof, were for the present postponed, and the House proceeded to consider said bill, and resolved itself into a committee of the whole thereon, and after some time spent therein, the committee rose, and Mr. Bradbury reported progress and asked leave to sit again.

And on the question, shall the committee have leave to sit again?

The ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bennett, Bigger, Bower, Brackenridge, Brett, Bryan, Carr, Cook, Culbertson, Curry, Dunning, Green, Hargrove, Harris, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Kelso, Leslie, Lockhart, Marshall, McDougale, McIntire, Mendenhall, Moore, Parks, Phelps, Puckett, Rockhill, Shank, Shaw, Strain, Thompson, Torbet, Vawter, Walker, Wallace, Willet, Wilson of H., Wilson of P., Woodruff, Wright, and Gregory, Speaker—46.

And those who voted in the negative are,

Messrs. Angle, Bell, Bradbury, Carter of C., Chapman, Conwell, Crume, Curtis, Davis, Gaddes, Hardesty, Henkle, Kilgore, Liston, Nave, Newman, Ray, Schooling, Smith of F., Smith of R., Stafford, Stanford, and Wilson of V.—23.

And so said committee had leave to sit again.

Mr. Leslie, from the joint committee of enrolled bills, report that they did on this day present to His Excellency the Governor, for his approval and signature, the following bills of the House of Representatives, to wit:

No. 218—An act declaring an act therein named, in force, and for other purposes;

222—An act to locate and establish a state road from Michigantown in Clinton county, to Andersontown in Madison county;

No. 168—An act for the relief of Jesse Daver of Monroe county;

No. 162—An act to amend an act entitled an act for the inspection of salt, beef, and flour, approved January 24th, 1829;

No. 158—An act to amend an act entitled an act to incorporate the town of Lafayette;

No. 147—An act to locate a state road from Brookville in Franklin county *via* Fairfield in Franklin county, and Dunlapville and Brownsville in Union county, to Richmond in Wayne county;

No. 64—An act to attach certain territory to the county of Warren and for other purposes;

No. 232—An act requiring the county of Cass to pay the county of Miami the county revenue collected within the county of Miami in the year 1834;

No. 230—An act to establish a state road from Martinsville in Morgan county *via* Middletown in Owen county to John Chance's ferry on Eel river, thence to Haynes' old cabin in Vigo county;

No. 45—An act to amend an act entitled "an act regulating the practice in chancery," approved February 10, 1834;

And bills of the Senate of the following titles, to wit:

No. 13—An act to vacate part of the state road leading from Corydon in Harrison county, to Troy in Perry county, and for other purposes;

No. 121—An act to legalize an election in Spencer county, held by the voters in Congressional township No. 8, south of Range No. 8 west, to determine whether they should sell the 16th section therein;

No. 122—An act to amend an act entitled "An act to incorporate the Evansville and Lafayette Rail Road Company," approved Dec. 24, 1833.

Mr. Hargrove, from the committee on claims, made the following report:

The Committee on Claims, to which was referred the account of James Keigwin, superintendent of the State Prison, have, according to order, had the same under consideration, and have directed me to report the following resolution;

Resolved, That James Keigwin, superintendent of the State Prison, be allowed, in the specific appropriation bill, the sum of fifty dollars and sixty-two and a half cents, for blank books furnished for use of State Prison; and for sixty Bibles and Testaments, and spelling books furnished prisoners in said prison; also cash paid for the acknowledgment, recording, &c. of a deed for the State.

Mr. Wallace moved to strike out of said resolution so much of the allowance as relates to blank books.

Which was decided in the negative.

The question recurring on the adoption of the resolution,

It was carried in the affirmative.

Mr. Hargrove submitted the following additional report:

The Committee on Claims, to which was referred the account of George Gorham, have, according to order, had the same under consideration, and have directed me to report the following resolution:

Resolved, That George Gorham be allowed, in the specific appropriation bill, the sum of three dollars and fifty cents for hauling and putting up two stoves in the lobby of the House of Representatives;

And on the question, will the House concur in said report?

It was decided in the negative.

Mr. Hargrove, from the Committee on Claims, submitted the following additional report:

The Committee on Claims, to which was referred the account of McClure and Wheat, asking compensation for chairs &c. furnished the present General Assembly, have had that subject under consideration, and directed me to report the following resolution:

Resolved, That McClure and Wheat be allowed, in the specific appropriation bill, the sum of twenty-one dollars and seventy-five cents, for new chairs furnished, and old chairs repaired &c. for the use of the present General Assembly;

Which was read, and the accompanying resolution adopted.

On motion of Mr. Kilgore,

The House resolved itself into committee of the whole on the bill (No. 269) making specific appropriations for the year 1835; and after sometime spent therein, the committee rose, and Mr. Bryan, their chairman, reported progress and asked leave to sit again.

Ordered, That the committee have leave to sit again.

The following message was received from the Senate, by Mr. Morris their Secretary:

MR. SPEAKER—

The Senate continue to insist on their amendments to the engrossed bills of the House of the following titles:

No. 126—An act laying out all the unorganized territory to which the Indian title has been extinguished in this State into a suitable number of counties, and for other purposes, and

No. 139—And act to organize the county of Kosciusko.

And have appointed Messrs. Hanna, Long, and Hillis a committee of free conference on their part, to act with the committee appointed by the House, to take into consideration the disagreeing votes of the two Houses on the subject of the amendments to the first named bill,

And Messrs. Long and Hanna a similar committee as to the said bill (No. 139.)

And then the House adjourned.

SATURDAY MORNING, JAN. 31, 1835.

The House met pursuant to adjournment.

The following message was received on yesterday from the Senate by Mr. Morris their Secretary:

MR. SPEAKER—

The Senate concurs in the several amendments proposed by the House to the joint memorial of the Senate [No. 129] entitled "a joint memorial to Congress

praying for a grant of land to aid in the construction of a rail road from Evansville to Lafayette;" and

In the several amendments proposed by the House to the bill of the Senate [No. 118] entitled "an act to amend an act to establish a board of trustees for the promotion of Schools and education in Clark's grant," approved Jan. 28, 1824.

They have passed, with an amendment, an engrossed bill of the House entitled "an act to incorporate the South Bend bridge company, approved Feb. 2, 1833.

In which the concurrence of the House of Representatives is requested;

Which was read and the amendment proposed by the Senate to the engrossed bill of the House to amend "an act to incorporate the South Bend bridge company," was concurred in.

Mr. Moore from a select committee on that subject reported a bill [No. 282] to amend an act entitled "an act to locate certain state roads therein named," approved Feb. 1 1834;

Which was read three several times and passed.

Ordered, That it be entitled an act and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Carter of C., on leave, presented a bill [No. 283] to legalize the election of the board of trustees for the town of Logansport;

Which was read three several times, the rules of the House being dispensed with, and passed.

Ordered, That it be entitled an act and that the Clerk carry the same to the Senate and ask their concurrence.

Mr. Wilson of P. made the following report:

The select committee to whom was referred the petition of a number of the citizens of the counties of Parke and Fountain, praying an act and appropriation of a portion of the three per cent. fund for the purpose of building a bridge over Sugar Creek at the narrows in Parke county, have had that subject under consideration and directed me to report the following bill.

The bill mentioned in said report, [No. 284] authorizing the building of a bridge over Sugar Creek at the narrows in Parke county;

Was read three several times, the rules having been dispensed with, and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Chapman from the Judiciary committee made the following report:

The Judiciary committee to whom was referred a resolution directing them to inquire into the expediency of having the acts of Congress of 1833 and 1834, which are now deposited in the Secretaries office, bound and sent to the several counties have had that subject under consideration and directed me to report a joint resolution on that subject.

Said joint resolution [No. 285] entitled a joint resolution on the subject of distributing the acts of Congress, to the several counties in this state;

Was read three several times and passed, after a suspension of the rule for that purpose.

Ordered, That the Clerk inform the Senate thereof and ask their concurrence.

Mr. Phelps, on leave, presented a bill [No. 286] supplementary to an act, entitled "an act to amend an act to relocate a part of the state road from Leavenworth to Paoli, approved Feb. 1, 1834, and likewise to amend an act entitled "an act to establish a state road from Rome in Perry county to Paoli in Orange county," approved Feb. 1, 1834;

Which was three times read, the rules of the House being suspended, and passed.

Ordered, That it be entitled an act, and that the Clerk carry the same to the Senate and ask their concurrence.

Mr. Bigger, on leave, presented a bill [No. 287] relative to public squares in county seats;

Which was read the first and second times, and

On motion of Mr. Moore,

Ordered, That the same do lie on the table.

Mr. Hardesty from the committee on enrolled bills reported, that they have compared the enrolled with the engrossed bills, which originated in the Senate, entitled acts as follows to wit:

No. 37—An act explanatory of "an act to appropriate part of the three per cent. fund," approved Jan. 31, 1833;

No. 36—An act to provide an additional place of holding elections in Tobin township Perry county;

No. 87—An act to legalize the election of a Justice of the Peace in the territory attached to the county of Cass;

No. 34—An act relative to school commissioners' deeds;

No. 124—An act legalizing the proceedings of the Fort Wayne and St. Mary's bridge company;

No. 57—An act for the benefit of Alexander Lowrey;

No. 126—An act to appropriate a part of the three per cent. fund of Perry and Spencer counties;

No. 19—An act to amend an act entitled "an act to provide for the improvement of the navigation of the Wabash river," approved Feb. 1, 1834;

And find the same truly enrolled.

Whereupon, the Speaker signed said bills.

Ordered, That the Clerk carry the same to the Senate for the Signature of their President.

The following message was received from the Senate on yesterday by Mr. Long a member:

MR. SPEAKER—

The Senate has adopted the following resolution:

Resolved, That the Senate will adjourn *sine die* on Thursday the 5th of February next, the House of Representatives concurring therein, and that the House of Representatives be informed of the adoption of this resolution, and their concurrence requested;

Which was read, when,

Mr. Lockhart moved to postpone the consideration of the same until Monday next;

The ayes and noes being requested by two members;

Those who voted in the affirmative are,

Messrs. Bell, Bigger, Carter of C., Chapman, Crume, Curry, Dunning, Evans, Hargrove, Harris, Lockhart, Marshall, McIntire, Moore, Rockhill, Storm, Strain, Thompson, Vandever, Vawter, Walker, Wallace, and Gregory, Speaker—23.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bennett, Bower, Brackenridge, Bradbury, Brett, Bryan, Carr, Conwell, Cook, Culbertson, Curtis, Davis, Gaddes, Green, Hannaman, Hardesty, Henkle, Hoagland, Howard, Johnson of M., Johnston of F., Kilgore, Latshaw, Leslie, Liston, McCalley, McDougle, Mendenhall, Nave, New-

man, Parks, Phelps, Puckett, Ray, Schooling, Shank, Smith of F., Smith of R., Stafford, Wilson of P., Woodruff, and Wright,—45.

And so said motion was decided in the negative.

Mr. Bower then moved, that the House reciprocate said resolution,
And the ayes and noes being requested thereon by two members;

Those who voted in the affirmative are,

Messrs. Armstrong, Bennett, Bower, Brackenridge, Bryan, Carr, Conwell, Cook, Davis, Gaddes, Hardesty, Hoagland, Howell, Johnston of F., Kilgore, Latshaw, Leslie, Liston, Lockhart, Marshall, McCalley, Mendenhall, Nave, Newman, Parks, Schooling, Shank, Shaw, Smith of R., Stanford, Wilson of H., Wilson of P., Wilson of V., Woodruff, and Wright—35.

And those who voted in the negative are,

Messrs. Angle, Bell, Bigger, Bradbury, Brett, Carter of C., Chapman, Crume, Culbertson, Curry, Curtis, Danning, Evans, Green, Hannaman, Hargrove, Harris, Henkle, Howard, Johnson of M., Kelso, McDougale, McIntire, Moore, Phelps, Puckett, Ray, Rockhill, Smith of F., Stafford, Storm, Strain, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Willet, and Gregory, Speaker—40.

And so the House refused to concur.

Mr. Culbertson, on leave being granted, presented

A bill [No. 288] to amend an act entitled an act for the relief of the poor, approved Feb. 10, 1831;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Carter of C., from a select committee, reported

A bill [No. 289] to prevent the sale of ardent spirits to laborers on the Wabash and Erie Canal;

Which was twice read (the rules of the House having been dispensed with) when

Mr. Vandever moved to amend said bill by adding thereto the following provision:

“The contractors shall be bound to give each laborer one half pint per day, or add to his wages its value in cash, at the election of the laborer.”

But before any question was had on said proposed amendment,

Mr. Nave moved that the bill be indefinitely postponed;

Pending which motion,

Mr. Strain moved to lay said bill on the table;

Which was decided in the negative.

The question then recurring on the motion of Mr. Nave to postpone indefinitely,

It was put:

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bower, Carr, Crume, Gaddes, Hoagland, Howard, Lockhart, McDougale, McIntire, Moore, Nave, Phelps, Rockhill, Vandever, Willet, Wilson of H., Wilson of P., Wilson of V., and Woodruff—19.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bell, Bennett, Bigger, Brackenridge, Bradbury, Brett, Carr, Carter of C., Chapman, Conwell, Cook, Culbertson, Curry, Curtis, Davis, Dunning, Evans, Green, Hannaman, Hardesty, Hargrove, Harris, Henkle, Howell, Johnson of M., Johnston of F., Kelso, Kilgore, Latshaw, Leslie, Liston, Marshall, M'Calley, Mendenhall, Newman, Parks, Puckett, Ray, Schooling, Shank, Shaw, Smith of F., Stafford, Stanford, Storm, Strain, Thompson, Torbet, Vawter, Walker, Wallace, Wright, and Gregory, Speaker—55.

And so said motion was decided in the negative.

Mr. Rockhill then moved to amend the amendment proposed by Mr. Vandever, by adding thereto the following proviso, viz:

“Provided however, That nothing in this act contained shall be so construed as to extend to the counties of Allen, Huntington, and Wabash;”

Which was adopted.

And on motion of Mr. Willet,

Ordered, That said bill, with its pending amendment, do lie on the table.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate has passed bills of the Senate entitled as follows, to-wit:

No. 148—An act to authorize the location of a state road, &c.; and

An act supplemental to an act entitled an act to re-locate a certain state road therein named, approved Dec. 24, 1834;

Also, bills of the House entitled as follows, to wit:

No. 68—An act to amend an act entitled an act for the relief of the securities of certain officers, approved Feb. 1, 1834;

No. 94—An act declaring certain roads therein named state roads;

No. 95—An act to legalize the proceedings of the commissioners on a certain state road therein named;

No. 98—An act for improving Eel river in the county of Clay;

No. 99—An act to amend an act entitled an act to regulate the mode of doing county business in the several counties in this state, approved Jan. 19, 1831;

No. 105—An act to change a state road in Posey county;

No. 106—An act for the relief of purchasers of Michigan Road and Canal lands;

No. 118—An act to establish a state road from Alexander Cox's in Morgan county, to Indianapolis;

No. 114—An act to amend an act entitled an act incorporating con-

gressional townships and providing for public schools therein, approved Feb. 2, 1833;

No. 125—An act to establish a state road from Logansport to the rapids of Iroquois river;

No. 127—An act to locate a state road from Goshen to Plymouth;

No. 128—An act to amend an act entitled an act to appropriate part of the 3 per cent. fund, approved Jan. 31, 1833;

No. 133—An act to establish a state road from Delphi via Camden to the Michigan Road;

No. 134—An act to locate a state road therein named;

No. 136—An act to locate a state road from Rockport to the head of French Island;

No. 117—An act to authorize the location of a state road from Indianapolis to the Strawtown road;

No. 271—An act to locate a certain state road therein named;

No. 272—A joint resolution on the subject of furnishing the county of Lagrange with an additional number of the Revised Code;

No. 274—An act to change the name of Hannah Nash to Hannah Hardin;

No. 275—An act supplemental to an act entitled an act to change a part of the state road leading from New York in Switzerland county, to intersect the state road leading from Vevay in said county to Versailles in Ripley county, approved Jan. 15, 1834;

No. 276—An act for the benefit of Warrick county; and

No. 278—An act supplementary to an act to authorize the President and Managers of the New-Albany School to sell certain real estate, approved Jan. 26, 1835;

All without amendment, except bills numbered 68 and 114; in the amendments to which, and the bills of the Senate, the concurrence of the House of Representatives is requested.

The engrossed bill of the Senate mentioned in said message [No. 148] was read the first time and passed to a second reading.

The engrossed bill of the Senate, secondly named in said message, [No. 149] was read three several times (the rules of the House having been dispensed with) and passed.

Ordered, That Mr. Lockhart inform the Senate thereof.

The amendments of the Senate proposed to the engrossed bills of the House, [Nos. 68 and 114] were severally read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Willet,

The committee of the whole was discharged from the further consideration of the engrossed bill of the Senate [No. 16] to provide for taking the enumeration of the white male inhabitants above the age of 21 years; and the bill of the House [No. 190] to provide for the next apportionment of representation, and for furnishing useful and statistical information.

And the bill of the House last mentioned was read a third time;

And on the question,

Shall the bill pass?

And the ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Angle, Carter of C., Chapman, Conwell, Cook, Crume, Curry, Davis, Dunning, Evans, Henkle, Kelso, Leslie, Liston, Marshall, Moore, Parks, Phelps, Smith of F., Storm, Thompson, Vawter, Wallace, Willet, Wilson of H., Wilson of P., Wilson of V., Woodruff, and Gregory, Speaker—29.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bigger, Bower, Brackenridge, Bradbury, Brett, Bryan, Carr, Culbertson, Curtis, Gaddes, Green, Hannaman, Hardesty, Hargrove, Harris, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Latshaw, Lockhart, McCalley, McDougale, McIntire, Mendenhall, Nave, Newman, Puckett, Ray, Rockhill, Schooling, Shank, Stafford, Stanford, Strain, Torbet, Walker, and Wright—41.

So said bill was rejected.

The said engrossed bill of the Senate [No. 16] last mentioned, Was then read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Storm,

The bill [No. 76] to amend an act entitled an act regulating the taking up of animals going estray, and water draft and other articles of value adrift, approved Feb. 9, 1831, heretofore laid on the table, was taken up, when,

On motion of Mr. Crume,

The same was amended by striking out \$20, where it occurs therein and inserting in lieu thereof \$10.

The bill was then read a third time and passed.

Ordered, That it be entitled an act, and that Mr. Storm carry it to the Senate and ask their concurrence therein.

The House then resumed the consideration of bill [No. 269] to amend the act regulating the jurisdiction and duties of justices of the peace, heretofore reported to the House by the committee of ways and means;

Which was twice read, when

Mr. Green moved to lay the same on the table;

Which motion was negatived.

Said bill was then read a third time and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

The House then proceeded to consider the orders of the day.

The bill [No. 141] to amend an act entitled an act to provide for the election of county and township officers, approved Jan. 31, 1831,

Was read a second time, when,

On motion of Mr. Stanford,

It was amended by striking out of the 2d section so much as relates to giving notice of the election therein contemplated, by publication in a newspaper,

Said bill was, after amendment, read a third time and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

The bill (No. 145) to vacate a part of the Madison and Indianapolis state road, and for other purposes;

Was read a second time, and

On motion of Mr. Crume,

Ordered, That the same do lie on the table.

The engrossed joint resolution of the Senate, [No. 8] relative to the State House;

Was read a second time, and

Ordered, to lie upon the table.

The bill [No. 152] to incorporate the Western Literary Society in the county of Montgomery; and

The bill [No. 209] to locate a state road from Goshen in Elkhart county to Richmond in Wayne county:

Were severally read a second and third times and passed (on a suspension of the rule.)

Ordered, That they be entitled acts, and that the Clerk carry the same to the Senate and ask their concurrence.

The bill [No. 154] to incorporate the Logansport and Wabash bridge company;

Was read the second time, when

Mr. Bryan moved to strike out the 14th section of said bill,

And before any question was had thereon,

The House adjourned until half past one o'clock.

Half past one o'clock, P. M.

The House met pursuant to adjournment.

Mr. Leslie, on leave being granted, made the following report:

The select committee to which was referred the petition of Jacob Lopp and others, owners of lots in the town of Northampton in Harrison county, and a communication of Lawrence Wood, one of the proprietors of the town of Lebanon in Jackson county, have had the same under consideration, and have directed me to report

A bill [No. 290] to vacate the the town of Northampton in the county of Harrison, and the town of Lebanon in Jackson county;

Which was read three several times (the rules of the House having been dispensed) and passed.

Ordered, That it be entitled an act, and that the Clerk carry the same to the Senate and ask their concurrence.

Mr. Brackenridge from the committee on the judiciary, reported back to the House, the engrossed bill of the Senate (No. 38) to amend an act entitled an act to regulate marriages, approved Feb. 4, 1831, with sundry amendments;

Which were read and concurred in.

And the bill was read a third time,

And on the question,

Shall the bill pass?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bell, Bennett, Bower, Brackenridge,

Bradbury, Carr, Chapman, Conwell, Cook, Culbertson, Curry, Curtis, Davis, Dunning, Evans, Gaddes, Hargrove, Henkle, Hoagland, Howell, Latshaw, Leslie, Lockhart, McCalley, McDougle, Mendenhall, Nave, Newman, Parks, Ray, Schooling, Smith of F., Smith of R., Stafford, Storm, Strain, Thompson, Vawter, Walker, Wallace, Willet, Wilson of H., Wilson of P., Woodruff, and Wright—45. †

And those who voted in the negative are,

Messrs. Bigger, Brett, Bryan, Carter of C., Crume, Howard, Johnson of M., Johnston of F., Liston, Marshall, McIntire, Moore, Phelps, Rockhill, Shank, Torbet, Vandever, and Gregory, Speaker—18.

And so said bill passed.

Ordered, That the Clerk inform the Senate thereof and ask their concurrence in the amendments made by the House.

Mr. Bell made the following report:

The select committee to which was referred petitions of sundry citizens of Hancock county, praying the relocation of the state road from Greenfield in Hancock county to Middletown in Henry county, have according to order had the subject under consideration and have directed me to report a bill.

The bill [No. 291] to relocate a certain state road in the counties of Hancock and Henry, referred to in said report;

Was read three several times, the rules of the House having been previously dispensed with, and passed.

Ordered, That it be entitled an act, and that the Clerk carry the same to the Senate and ask their concurrence.

The House then resumed the consideration of the bill [No. 154] pending at the last adjournment.

Mr. Shank moved to indefinitely postpone the further consideration thereof;

Which motion did not prevail.

The question was then put on the motion of Mr. Bryan, to strike out the 14th section of said bill, and carried in the affirmative.

Mr. Phelps moved further to amend by adding to said bill, the following proviso:

Provided, That nothing in this act named, shall authorize the commissioners' herein named, to receive any pay for any person or persons or any property of any kind, crossing over the Wabash river on said bridge, when the river is low enough to be forded;

And on the question to adopt the same, it was decided in the negative.

Mr. Conwell moved to re-commit said bill to a select committee, with instructions to strike out so much thereof as prohibits any other bridge or ferry from being erected within one mile of said bridge;

Which motion did not prevail.

The question then recurring, shall said bill pass?

And the ayes and noes being requested thereon by two members;

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bigger, Brackenridge, Bryan, Carr, Carter of C., Crume, Curry, Davis, Evans, Gaddes, Hardesty, Henkle, Hoagland, Johnson of M., Kelso, Latshaw, Liston, Marshall, McDougle, McIntire, Moore, Newman, Parks, Rockhill, Schooling, Shaw, Smith of F., Smith of R., Thompson, Torbet, Vaw-

ter, Walker, Wallace, Willet, Wilson of H., Wilson of P., Woodruff and Gregory, Speaker—40.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bower, Bradbury, Brett, Chapman, Conwell, Cook, Culbertson, Curtis, Dunning, Green, Hannaman, Hargrove, Howard, Howell, Johnston of F., Lockhart, McCalley, Mendenhall, Nave, Phelps, Puckett, Ray, Shank, Stafford, Stanford, Storm, Strain, Vandever, Wilson of V., and Wright—32.

And so said bill passed.

Ordered, That it be entitled an act, and that the Clerk carry the same to the Senate and ask their concurrence.

A message from the Senate by Mr. Morris their Secretary :

MR. SPEAKER--

The Senate concurs in all the amendments proposed by the House to the engrossed bill of the Senate [No. 139] entitled an act to incorporate the Crawford county seminary.

They concur in the 1st and 3d, and disagree to the 2d amendment proposed by the House to the engrossed bill of the Senate [No. 92] entitled an act to provide for furnishing, and preservation of the State House.

They disagree to the amendment proposed by the House to the engrossed bill of the Senate [No. 123] entitled an act to amend an act entitled an act for the incorporation of county libraries.

They have passed with amendments, bill [No. 104] of the House entitled an act to appropriate a part of the three per cent. fund;

In which the concurrence of the House of Representatives is requested.

No. 111—An act to incorporate the town of Newport in Wayne county;

No. 277—An act to locate a state road in Posey and Vanderburgh counties;

No. 282—An act to amend an act entitled an act to locate certain roads therein named, approved Feb. 1, 1834;

No. 283—An act legalizing the election of the board of trustees of the town of Logansport;

No. 288—An act for the relief of the poor, approved Feb. 10, 1831—all without amendment;

Which was read, when

Mr. Bigger moved that the House insist on their amendment to the engrossed bill of the Senate (No. 92) named in said message,

The ayes and noes being requested thereon by two members;

Those who voted in the affirmative are,

Messrs. Bell, Bigger, Carter of C., Chapman, Conwell, Cook, Curry, Davis, Evans, Green, Hannaman, Howard, Howell, Kelso, Liston, McCalley, McDougle, Moore, Phelps, Smith of F., Strain, Thompson, Torbet, Walker, Wallace, Wilson of H., and Gregory, Speaker--27.

And those who voted in the negative are,

Messrs. Angle, Armstrong, Bennett, Bower, Brackenridge, Bradbury, Brett, Bryan, Carr, Crume, Culbertson, Curtis, Dunning, Gaddes, Hardesty, Hargrove,

Henkle, Hoagland, Johnson of M., Johnston of F., Latshaw, Lockhart, Marshall, McIntire, Mendenhall, Nave, Newman, Parks, Puckett, Ray, Rockhill, Schooling, Shank, Shaw, Smith of R., Stafford, Stanford, Storm, Vandever, Vawter, Willet, Wilson of P., Woodruff, and Wright—44.

And so the House do not insist on said amendment.

On motion of Mr. Stanford, the House receded from their amendment to said bill.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Smith of F., the House insist on its amendment to the engrossed bill of the Senate (No. 123) mentioned in the last message.

The House concur in the several amendments proposed by the Senate to the engrossed bill of the House (No. 104.)

Ordered, That the Clerk inform the Senate thereof.

The House then resumed the consideration of the orders of the day. The engrossed joint resolution of the Senate (No. 52) entitled a joint resolution of the General Assembly of the State of Indiana.

The engrossed bill of the Senate (No. 61) for the relief of William McKimm, and to change the name of the town of Newburg to Spartanburgh.

The engrossed bill of the Senate (No. 67) to incorporate the Philomathean Society, were severally read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

The bill of the House (No. 171) for the encouragement of agriculture,

The bill, (No. 175) to locate a state road from the county seat of Miami county to the town of Rochester, on the Michigan road,

The bill (No. 178) to locate and establish a state road from Turkey Plain on Tippecanoe river, to Wolf lake in Noble county,

The bill (No. 181) to incorporate the Frankfort, Delphi, and Michigan Rail Road and Turnpike Company,

The bill (No. 184) to appropriate part of the 3 per cent. fund in Monroe county, and

The bill (No. 185) to re-locate part of the state road leading from Lafayette to Michigan city;

Were severally read a second and third times (the rules of the House having been dispensed with) and passed.

Ordered, That they be entitled acts, and that the Clerk carry them to the Senate and ask their concurrence.

The bill (No. 161) supplemental to an act entitled "an act regulating the practice in suits at law," approved January 29, 1831,

Was read the second time, and

On motion of Mr. Vawter, amended by striking out therefrom so much as relates to publishing said act in newspapers.

Mr. Willet moved further to amend by striking out, in the last part of the bill, all after the word "writing;"

Which motion did not prevail.

Mr. Willet, then moved that said bill be indefinitely postponed.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bryan, Crume, Curry, Davis, Gaddes, Hardesty, McDougle, Moore, Nave, Shaw, Smith of R., Storm, Vandever, Willet, and Wright—17.

And those who voted in the negative are,

Messrs. Bell, Bennett, Bigger, Bower, Brackenridge, Brett, Carr, Carter of C., Chapman, Conwell, Cook, Culburtson, Curtis, Dunning, Evans, Green, Hannaman, Harris, Henkle, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Kelso, Latshaw, Liston, Leckhart, Marshall, McCalley, McIntire, Mendenhall Newman, Parks, Phelps, Puckett, Ray, Rockhill, Schooling, Shank, Smith of F. Stafford, Strain, Thompson, Torbet, Vawter, Walker, Wallace, Wilson of H., Woodruff, and Gregory, Speaker—52.

And so it was decided in the negative.

Said bill was then (after a suspension of the rules of the House) read a third time and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence therein.

The bill (No. 177) to amend an act entitled "an act to provide for electing county and township officers," approved, January 30, 1831,

Was read the second time, and

On motion of Mr. Crume, indefinitely postponed.

The bill (No. 235) to incorporate the townships in the county of Warren,

Was read a second time, and

On motion of Mr. Henkle, amended by extending the provisions thereof to Tippecanoe county.

The bill was then read a third time (the rules being suspended) and passed.

Ordered, That it be entitled an act, and that the Clerk carry the same to the Senate and ask their concurrence.

The bill (No. 187) to amend an act entitled, "an act to encourage the killing of Wolves," approved Feb. 10, 1831,

Was read the second time, when

Mr. Howell moved that the further consideration thereof be indefinitely postponed; pending which,

Mr. Angle moved to lay the same on the table;

Which was decided in the negative.

The question being then taken on the motion of Mr. Howell, to indefinitely postpone,

It was decided in the negative.

Mr. Gregory, (Mr. Evans for the time being occupying the chair) moved to amend the 1st section of said bill by striking out the words "prairie wolves excepted;"

Which motion did not prevail.

Mr. Smith of F. moved to postpone the further consideration thereof until the first Monday in August next;

Which motion was decided in the negative.

Mr. Armstrong moved to amend by striking out all of said bill, except so much as repeals the old law on that subject;

Mr. Smith of R., moved to commit the bill to a committee of the whole House, and make it the order of the day for Monday next.

Mr. Vandever proposed this day, now;

Which motions were severally decided in the negative.

The question then recurring on the amendment proposed by Mr. Armstrong—

It was put.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bennett, Bower, Bradbury, Conwell, Cook, Crume, Curry, Curtis, Evans, Howard, Johnston of F., Lockhart, McDougale, Mendenhall, Nave, Newman, Ray, Smith of F., and Wallace—21.

And those who voted in the negative are,

Messrs. Bell, Bigger, Brackenridge, Brett, Bryan, Carr, Carter of C., Chapman, Culbertson, Curtis, Dunning, Gaddes, Green, Hannaman, Hardesty, Hargrove, Harris, Henkle, Hoagland, Howell, Johnson of M., Kelso, Latshaw, Leslie, Liston, Marshall, M'Intire, Moore, Parks, Phelps, Puckett, Rockhill, Schooling, Shank, Shaw, Smith of R., Stanford, Storm, Strain, Thompson, Torbet, Vandever, Vawter, Walker, Willet, Wilson of H., Wilson of P., Wilson of V., Woodruff, Wright and Gregory, speaker—51.

And so the bill was not so amended.

Mr. Crume then moved to reduce the premium for the scalp, fifty cents;

Which was decided in the negative.

Mr. Moore moved that the rules of the House be suspended, and the bill be read a third time, now.

And the ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Bell, Bigger, Brett, Carr, Carter of C., Chapman, Conwell, Culbertson, Dunning, Green, Hannaman, Hardesty, Harris, Henkle, Howell, Johnson of M., Kelso, Latshaw, Liston, Marshall, Moore, Puckett, Rockhill, Schooling, Shaw, Smith of F., Storm, Strain, Torbet, Vandever, Vawter, Walker, Willet, Wilson of H., Wilson of P., Wilson of V., Woodruff, and Gregory, speaker—38.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bower, Brackenridge, Bradbury, Bryan, Cook, Crume, Curry, Curtis, Evans, Gaddes, Hargrove, Hoagland, Howard, Johnston of F., Leslie, Lockhart, McDougle, McIntire, Mendenhall, Nave, Newman, Parks, Phelps, Ray, Shank, Smith of R., Stafford, Stanford, Thompson, Wallace, and Wright—34.

So said motion was lost, it requiring two thirds of the votes of the House to dispense with the rules.

Said bill was then ordered to be engrossed, and read a third time on to-morrow.

The bill (No. 202) declaratory of the law, and for the more perfect advancement of justice, and for other purposes, was read the second time.

Mr. Davis moved to strike out the word "things," and insert the word "articles;"

Which motion did not prevail.

Mr. Vandever moved to strike out from the list of articles enumerated in the bill, "fruit growing on trees;"

Which motion was decided in the negative.

Mr. Harris moved to postpone the further consideration of the bill indefinitely.

And the ayes and noes being requested thereon by two members:

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bell, Bower, Brett, Carr, Carter of C., Cook, Crume, Culbertson, Curry, Davis, Dunning, Evans, Gaddes, Hardesty, Harris, Hoagland, Howard, Howell, Johnston of F., Leslie, Lockhart, McDougle, McIntire, Mendenhall, Nave, Shank, Shaw, Storm, Strain, Vandever, Wallace, Wilson of H., Wilson of P., Woodruff, Wright, and Gregory, Speaker—38.

And those who voted in the negative are,

Messrs. Bennett, Bigger, Brackenridge, Bradbury, Bryan, Chapman, Conwell, Curtis, Green, Hannaman, Hargrove, Henkle, Johnson of M., Kelso, Latshaw, Liston, Marshall, Moore, Newman, Parks, Phelps, Puckett, Ray, Rockhill, Schooling, Smith of F., Smith of R., Stanford, Thompson, Torbet, Vawter, Walker, Willet, and Wilson of V.—33.

So said bill was indefinitely postponed.

The bill [No. 203] to amend an act entitled an act relative to crime and punishment, approved Feb. 10, 1831, was read the second time;

Mr. Crume moved to commit it to a committee of the whole House and make it the order of the day for this day now;

Which motion did not prevail.

The said bill, by consent of the House, was thereupon read the third time, and on the question,

Shall the bill pass?

The ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bigger, Bower, Brackenridge, Bradbury, Bryan, Carr, Carter of C., Chapman, Conwell, Cook, Curtis, Dunning, Green, Hannaman, Hardesty, Hargrove, Harris, Henkle, Hoagland, Howard, Howell, Johnston of F., Kelso, Latshaw, Liston, Marshall, McIntire, Moore, Newman, Parks, Phelps, Puckett, Ray, Rockhill, Schooling, Shank, Shaw, Stanford, Strain, Thompson, Torbet, Walker, Wallace, Willet, Wilson of H., Wilson of P., Wilson of V., Woodruff, Wright, and Gregory, Speaker—52.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Brett, Crume, Culbertson, Curry, Davis, Evans, Gaddes, Johnson of M., Leslie, Lockhart, McDougle, Mendenhall, Nave, Smith of F., Smith of R., Vandever, and Vawter—18.

So said bill passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Hannaman, after having obtained leave, presented

A memorial and joint resolution to Congress [No. 292] on the subject of a canal down the valley of White river;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That the clerk acquaint the Senate therewith and ask their concurrence.

The bill [No. 204] to amend an act regulating distress for rent, approved Feb. 1, 1831, was read the second time, and,

On motion of Mr. Wallace, laid on the table.

The engrossed bill from the Senate [No. 58] to establish a certain state road therein named, was read the second time, and,

On motion of Mr. Bower,

Committed to the committee on Roads.

On motion of Mr. Bower,

A petition and remonstrance on the subject of the state road from New Washington to Bethlehem, heretofore laid on the table, were taken up and referred to the committee on Roads, together with the last named bill.

On motion of Mr. Cook,

The petition of William Nicholson and others, laid on the table on yesterday, praying a change in the state road from Rockford to Columbus, was taken up and referred to the committee on Roads.

The bill [No. 205] to amend an act entitled an act organizing Probate Courts, and defining the powers and duties of executors, administrators and guardians, approved Feb. 10, 1831, was read the second time.

On motion of Mr. Smith of F.,

The first section thereof was stricken out from the enacting clause.

On motion of Mr. Liston,

The words "any reasonable time" (in that clause prescribing the longest period to intervene between the death of a transient person and the granting of administration on his estate) were stricken out, and the words "thirty days" inserted in lieu thereof.

A motion was made by Mr. Smith of F., to strike out so much as requires Probate Judges to administer the estates of such transient persons, and to provide that they grant letters to other persons;

Pending which question, the said bill was,

On motion of Mr. Newman, indefinitely postponed.

And then the House adjourned until Monday morning at 8 o'clock.

MONDAY MORNING, Feb. 2, 1835.

The House met pursuant to adjournment.

On motion of Mr. Vawter,

The House resolved itself into committee of the whole, on the bill (No. 149) authorizing a loan of \$300,000 for the improvement of roads and pledging the Three per cent Fund.

And after some time spent therein, Mr. Bradbury, their chairman, reported several amendments made thereto, in which, in behalf of the committee of the whole, he asked the concurrence of the House;

Which were read and concurred in, generally.

Mr. Kelso then moved to re-commit said bill to a select committee, with instructions to expunge therefrom all unnecessary matter, and report the same back to the House, with such important amendments as may be found expedient.

But before any question was had thereon,

Mr. Hardesty moved to postpone the further consideration of said bill indefinitely.

Pending which, the previous question was called by Messrs. Angle, Liston, and Curry.

Mr. Vawter moved to lay the bill on the table;

Which was decided in the negative.

The said previous question then recurred, to wit:

Shall the main question be now put?

And the ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Angle, Armstrong, Bennett, Bigger, Brackenridge, Bradbury, Brett, Bryan, Carr, Carter of C., Chapman, Cook, Crume, Curry, Curtis, Davis, Dunning, Evans, Gaddes, Green, Hardesty, Hargrove, Harris, Henkle, Hoagland, Howell, Johnson of M., Johnston of F., Kelso,

Latshaw, Leslie, Liston, Lockhart, Marshall, McCalley, McDougle, McIntire, Mendenhall, Moore, Parks, Phelps, Puckett, Ray, Rockhill, Shank, Shaw, Smith of F., Smith of R., Stafford, Storm, Strain, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Wilson of H., Wilson of P., Woodruff, Wright, and Gregory, speaker—62.

And those who voted in the negative are,

Messrs. Bell, Bower, Hannaman, Howard, Nave, Stanford, and Willet—7.

So said previous question was sustained.

The main question was thereupon put, namely—

Shall said bill be engrossed and read a third time on to-morrow?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bell, Bennett, Brackenridge, Brett, Bryan, Carr, Cook, Davis, Dunning, Evans, Green, Hannaman, Hargrove, Harris, Henkle, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Kelso, Latshaw, Leslie, Lockhart, Marshall, McCalley, McDougle, Mendenhall, Moore, Parks, Phelps, Puckett, Shank, Shaw, Storm, Strain, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Wilson of H., Woodruff, Wright, and Gregory, speaker—47.

And those who voted in the negative are,

Messrs. Angle, Bigger, Bower, Bradbury, Carter of C., Chapman, Crume, Curry, Curtis, Gaddes, Hardesty, Liston, McIntire, Nave, Ray, Rockhill, Smith of F., Smith of R., Stafford, Stanford, Willet, and Wilson of P.—22.

So it was

Ordered, That said bill be engrossed and read a third time to-morrow.

On motion of Mr. Smith of F.,

The rules were for the time-being suspended.

And the joint resolution (No. 175) for the relief of the canal commissioners, was taken up.

The question then recurring on the pending motion of Mr. Shaw, to indefinitely postpone the same,

It was put,

And decided in the negative.

Mr. Smith of R., withdrew the amendment proposed to said joint resolution by him, when it was last under the consideration of the House.

Said joint resolution was then read a third time and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence.

On motion, leave of absence was granted Mr. Newman, for the remainder of the session.

On motion of Mr. Dunning,

The previous orders of the day were suspended, and

The bill [No. 208] to declare a certain county road therein named, a State road;

Was taken up—when

Mr. Dunning moved to amend, by striking out, so much as relates to making report thereof to the county of Owen, and there recording the same;

Which was carried in the affirmative.

Said bill was then read a third time, and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence therein.

Mr. Howell, from the joint committee of enrolled bills, reported that they have compared the enrolled with the engrossed bills, which originated in the House of Representatives, entitled as follows, to wit:

No. 169—an act to declare certain county roads therein named, State roads;

No. 246—an act supplemental to an act entitled an act for the relief of John G. Davis, former collector of Parke county, and John G. Kendall, of Decatur county;

No. 182—an act to extend a State road to Haydon's ferry.

No. 140—an act attaching the north-east quarter of section four, township four, north of range eight east, to the county of Jennings;

No. 174—an act to locate and establish certain State roads therein named, and for other purposes;

And find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

Mr. Bigger, from the committee of free conference, on that subject, made the following report:

The committee of free conference of the two Houses, to which was referred the disagreeing votes of the Senate, and House of Representatives, on the amendments of the Senate to the engrossed bill of the House (No. 126) laying out all the unorganized territory to which the Indian title has been extinguished in this State, into a suitable number of counties, and for other purposes, have had the same under consideration, and have directed me to report the following, as the result of their conference, namely:

"The amendments of the Senate to the first, second, and third sections of said bill, to be adopted as a part thereof, and the remaining sections of said bill to stand as they originally passed the House."

Said report was read and concurred in.

Ordered, That the clerk inform the Senate thereof.

Mr. Hargrove, after having obtained leave, offered for adoption the following resolution, viz:

Resolved, That this House will adjourn, sine die, on Saturday the 9th instant, the Senate concurring therein.

And on the question to adopt the same,

It was decided in the negative.

Mr. Shaw moved to take from the table, bill [No. 83] to abolish imprisonment for debt;

Which was decided in the negative.

The following message was received from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate has adopted the following resolution:

Resolved, That for the purpose of paying a feeble tribute of their respect for the memory of the Hon. WILLIAM WALLACE, late a member of the Senate from the counties of Knox, Daviess, and Martin, who departed this life at his lodgings during the last night, the members of the Senate will attend at Brown's Hotel to-day at 3 o'clock P. M. to attend the body of the deceased to the limits of the town in a procession, and that the House of Representatives be informed of the adoption of this resolution, their concurrence therein requested, and the joint participation of the members of the House in the honours intended for the deceased be respectfully solicited.

On motion of Mr. Kelso, the House unanimously reciprocated the resolution named in said message.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Brett, the following resolution was unanimously adopted:

Resolved, That this House entertain for the memory of the Hon. William Wallace, late Senator from the counties of Knox, Daviess, and Martin, the highest and most unfeigned considerations of regard, and can well appreciate the loss sustained by that branch of the General Assembly of which he was a member—deprived as they are, by his death, of the services of an honest and faithful guardian of the interests entrusted to his care.

Resolved, That each of the members of this House will wear crape upon his left arm for thirty days.

Resolved, That a copy of the above resolutions be transmitted to the family of the deceased, that they may be informed of the estimation placed upon the character and reputation of our deceased associate, by those who are not ignorant of his former worth.

And then the House adjourned until 2 o'clock P. M.,

2 o'clock P. M.

The House met pursuant to adjournment.

Mr. Crume, on leave being granted, presented

A bill (No. 293) to vacate a part of the Brookville and Connersville State road;

Which was read three several times (the rules of the House having been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence therein.

Mr. Smith of F., from the select committee to which was committed the bill (No. 81) to amend an act entitled "an act regulating the jurisdiction and duties of justices of the peace," approved Feb. 10, 1831, reported the same with one amendment;

Which was read and concurred in.

Mr. Armstrong moved further to amend the bill by striking out "fifty" before "dollars" and inserting "one hundred;"

A division of which question being called for, the first branch thereof was thereupon put, to wit: on striking out,

And decided in the negative.

The said bill was then read the third time; and on the question, Shall it pass?

The ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bennett, Bradbury, Brett, Bryan, Carr, Carter of C., Chapman, Conwell, Cook, Crume, Curry, Curtis, Davis, Dunning, Evans, Gaddes, Hannaman, Hardesty, Hargrove, Harris, Henkle, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Kelso, Latshaw, Leslie, Lockhart, McDougle, McIntire, Mendenhall, Moore, Parks, Puckett, Ray, Rockhill, Shank, Shaw, Smith of F., Smith of R. Stafford, Stanford, Strain, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Wilson of H., Wilson of P., Woodruff, Wright, and Gregory, Speaker—57.

And those who voted in the negative are,

Messrs. Armstrong, Bower, Liston, Marshall, M'Calley, Nave, and Willet—7.

So said bill passed.

Ordered, That the Clerk carry it to the Senate and ask their concurrence.

On motion of Mr. Shaw, the vote taken this day on the question to adopt the resolution moved by Mr. Hargrove, relative to an adjournment of the two Houses *sine die* on the 7th inst. was re-considered, and

On motion of Mr. Wallace, said resolution was laid on the table,

And then the House adjourned until 6 o'clock P. M.

6 o'clock P. M.

The House met pursuant to adjournment.

On motion of Mr. Carter of C. the regular order of business was suspended for the purpose of introducing reports from standing and select committees.

Mr. Vawter, from the Committee of Ways and Means, made the following report, which was read and concurred in:

The Committee of Ways and Means, to which was referred the report of the Secretary of State of the contracts for printing &c., entered into on behalf of the State by the executive officers, and also of the additions made to the State Library during the past year, respectfully report that they have examined the contracts, and found that the prices agreed to be paid are about the same as heretofore. The annual appropriation to the State Library, the committee believe, to have been judiciously expended, and they have only to regret that the amount annually appropriated for the increase of the Library is so small as to prevent the purchase of many works which it would be very desirable to have in the collection. There is no other subject embraced in the report which would, in the opinion of the committee, require remark. Respectfully submitted.

Mr. Chapman, from the Committee on the Judiciary, made the following report;

Which was read and concurred in.

The Judiciary Committee, to whom was referred the complaint of Thomas Hinkson, the former surveyor of Fayette county, preferring charges against Charles H. Test, President Judge of the sixth Judicial Circuit, and John Treadaway, an Associate Judge of Fayette Circuit Court, for official misconduct, have had that subject under consideration, and directed me to make the following report:

That it appears from the complaint and other documents under consideration, that the said Thomas Hinkson was appointed county surveyor of Fayette county by the board doing county business, at their November term, 1831, agreeably to an act entitled an act to appoint county surveyors and their deputies, approved Feb. 4th, 1831; it also appears to the committee that previous to the expiration of the term of three years, (the term of office of county surveyor,) one Philip Strader was appointed county surveyor of Fayette county by the aforesaid Judges, setting as a Circuit Court.

The only specific charge made by complainant is that the said President and Associate Judge, setting as the Circuit Court of Fayette, (in the language of complainant) "did condemn him without a hearing, at a time when he was obeying the order of the court in discharge of official duties."

The committee can draw no other conclusion from the declaration of complainant, than that the condemnation amounted simply to his dismissal from office; whether this removal was made for cause, and the office thereby vacated, or complainant merely superseded by the appointment of Strader, the committee cannot determine, nor is it important in the present case.

The committee will here remark that from the magnitude of the office involved, it presents rather an unimportant matter, but it must be recollected that the principle is involved, and the corrective of usurpation and tyranny in officers, vested with high authority, is loudly called for as matter of the greatest magnitude.

By recurring to the act of 1833, approved Feb. 4, amendatory of the act of 1831, it will be seen that the 4th section provides that any person appointed county surveyor, and shall have held the office three years, it shall then become vacant and expire; in which case the Circuit Court of such county shall appoint a person well qualified to discharge the duties of such office. The fifth section of said act provides that the Circuit Court, at any regular session, may make an appointment to the office of county surveyor for three years, in anticipation of a vacancy that will happen by the expiration of the term, before the next session of the court, but such appointment shall not take effect until the predecessor shall have served three years.

The sixth section provides that if it shall be made appear to the Circuit Court that the surveyor is incapable of performing the duties enjoined on him, or that he neglects or refuses to perform any of his official duty, unless for good cause, the court shall dismiss such county surveyor, &c.

From the facts before the committee, the dismissal could not have taken place under the fifth section of the act, inasmuch as two sessions of the Circuit Court would have intervened previous to the expiration of complainant's term of office; therefore, the presumption of the removal from office, complained of, recurs upon the 6th and 7th sections of the above recited act—if a legal act of the court at all, which solves the whole subject of enquiry into two propositions—first, did the court give the complainant notice of the charges preferred against him, as contemplated in the 6th and 7th sections, and thereby afford him an opportunity of defence: secondly, was there a sufficient cause for the removal complained of. From all the facts that appear before the committee, the complainant had no notice of the action of the court.

It cannot be presumed from any thing in the above recited act that the Circuit Court is vested with unlimited authority and discretionary power to remove a county surveyor at pleasure, and although the causes, as contemplated in the 6th and 7th sections, might have existed, yet the law does not warrant the court in removing the officer, unless on charges being preferred, and reasonable notice given delinquent of such accusation.

But from the simple facts before the committee, they are not prepared to say that this extra judicial act of the court was done through any corrupt motive, but may rather be imputed to an erroneous judgment.

And therefore the committee deem it inexpedient to examine further the charges on that subject at this time; and ask to be discharged from the further consideration thereof.

Leave was given Mr. Crume to withdraw the papers on the subject of the last report; and they were accordingly withdrawn.

Mr. Brackenridge made the following report, which was read and concurred in:

The Judiciary committee, to whom was referred Resolution No. 33,

direct me to report that it is inexpedient at this time to legislate on that subject.

Mr. Ray, from the Judiciary committee, made the following reports, which were severally read and concurred in:

1st. The committee on the Judiciary, to which was referred the petition of Richard R. Jones, praying a divorce from his wife Elizabeth A. Jones, have had that subject under their consideration, and have directed me to report that legislation upon that subject is inexpedient and ask to be discharged from the further consideration thereof.

2d. The Judiciary committee, to which was referred a resolution of this House directing an inquiry into the expediency of authorizing sheriffs of the proper counties to take recognizances, without any writ of habeas corpus, of any person committed to prison by any justice of the peace or associate judge on a criminal charge, have had that subject under their consideration, and have directed me to report that any legislation upon that subject is inexpedient at this time, and ask to be discharged from the further consideration thereof.

3d. The Judiciary committee to which was referred the petition of Jefferson Larkman and others, praying the repeal of the fifth section of an act entitled an act to license and regulate taverns and groceries, approved February 3, 1832, have, according to order, had that subject under consideration, and have directed me to report that any legislation upon that subject is inexpedient at this time, and ask to be discharged from the further consideration thereof.

4th. The Judiciary committee, to which was referred the petition of H. P. Thornton and others, citizens of the county of Floyd, praying the passage of an act to disqualify negroes, mulattoes, and Indians who are held as slaves from giving testimony in any case for or against free persons of color, have according to order had the same under consideration, and have directed me to report that any legislation upon that subject is inexpedient at this time, and therefore pray to be discharged from the further consideration thereof.

Mr. Bower, from the committee on Roads made the following report:

The committee on Roads, to which was committed the engrossed bill of the Senate [No. 58] declaring a certain road therein named a state road;

Also, the petition of Thomas Dougan and others, praying a change in a part of the New Washington and Bethlehem state road—and the remonstrance of William Foster and others against vacating the present state road between the towns aforesaid, have had those several subjects under consideration, and directed me to report said bill with two amendments.

The amendments were read and concurred in, and the bill of the Senate [No. 58] mentioned in said report was read a third time and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence in the amendments made thereto in the House.

Mr. Vawter, from the committee on Roads, made the following report, which was read and concurred in:

The committee on Roads, to which was referred the petition of sundry citizens of Scott county, praying an appropriation of money for the improvement of the Muscatuk river, have according to order had the same under consideration, and the committee are of opinion, that the boards of county commissioners have all necessary power to make said appropriations, if found expedient, out of funds heretofore appropriated to the counties adjacent to said river. The committee are of opinion that legislation on that subject at this time is inexpedient, and ask to be discharged from the further consideration thereof.

Mr. Vawter made the following additional report, which was read and concurred in by the House:

The committee on roads to which was referred the petition of William Nicholson and others, have according to order had the same under consideration, and by reference to said petition, it will be found that the petitioners ask for the appointment of commissioners to re-locate a state road therein named; it is believed that the appointment of commissioners as prayed for, could not with certainty, secure to the petitioners the object of their prayer. The committee are of the opinion, that legislation at this time is inexpedient, and ask to be discharged from the further consideration of that subject

Mr. Wilson of Harrison, from the committee on the State Library reported a joint resolution of the General Assembly of the state of Indiana, [No. 294] relative the State Library:

Which was twice read (the rules of the House having been dispensed with) when

Mr. Willet moved, so to amend, as to make the \$200 00, by said resolution proposed to be appropriated for the increase of the State Library, in lieu of all other appropriations;

Which was adopted.

Mr. Wallace proposed the following additional resolution as an amendment, viz:

Resolved, That the Secretary of State be directed to procure such standard works in relation to parliamentary rules and decisions, as referred to in Jefferson's Manual.

And on the the question to adopt the same,

It was decided in the Negative.

The rules of the House were further suspended, and the joint resolution was read a third time, and on the question,

Shall it pass?

The ayes and noes being requested by two members;

Those who voted in the affirmative are,

Messrs. Angle, Bell, Bennett, Bigger, Brackenridge, Bradbury, Brett, Carr, Carter of C., Chapman, Conwell, Cook, Crume, Curry, Curtis, Davis, Dunning, Evans, Hannaman, Hardesty, Hargrove, Harris, Henkle, Hoagland, Howard, Johnson of M., Johnston of F., Latshaw, Leslie, Marshall, McDougale, Moore, Puckett, Ray, Rockhill, Schooling, Shank, Shaw, Stafford, Storm, Strain, Torbet, Vawter, Wallace, Willet, Wilson of H., Woodruff, and Gregory, Speaker—48.

And those who voted in the negative are,

Messrs. Armstrong, Bower, Bryan, Gaddes, Lockhart, Nave, Parks, Phelps, Stanford, Vandever, Wilson of P., and Wright,—12.

So said joint resolution passed.

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence.

Mr. Carter of Cass, from the select committee to which was referred sundry petitions on that subject, reported

A bill [No. 295] making an apportionment of representation in certain counties therein named;

Which was read twice (the rules of the House having been suspended) when, Mr. Vandever moved so to amend, as to authorize an additional representative from the county of Washington.

Mr. Bigger moved to amend the amendment proposed by Mr. Vandever, as follows, viz:

"Sec. That hereafter the counties of Washington and Rush, shall be entitled to one additional representative each."

Which was accepted by Mr. Vandever as a modification of his motion.

Mr. Smith of R., moved that the further consideration of said bill be postponed indefinitely;

Which carried in the affirmative.

Mr. Wallace made the following report.

The select committee to which was referred the petition of C. P. J. Arion and others, citizens of the town of Madison praying the extension of the corporate limits of said town, together with the remonstrance of Jno. P. Paul and others on the same subject, have had the same under consideration, and direct me to report

A bill [No. 296] to amend the several acts now in force relative to the corporation of the town of Madison,

Which was twice read, (the rules of the House being dispensed with;) when

Mr. Bigger moved that the further consideration thereof be indefinitely postponed.

Pending which, Mr. Wallace moved to lay the bill on the table;

Which was carried in the affirmative.

Mr. Vawter made the following report: which was read and concurred in.

The select committee to which was referred the the petition of Lewis Bush and others, praying that a part of the county of Decatur, be attached to the county of Jennings, have according to order had the same under consideration, and a majority of said committee have directed me to report, that should the prayer of the petitioners be granted, it would operate to the prejudice of Decatur county, and therefore consider legislation at this time inexpedient.

The committee ask to be discharged from the further consideration of the subject.

Mr. Marshall made the following report;

The committee to whom was referred the petition of the trustees of the town of Madison and others, have had the same under consideration and have directed me to report a bill entitled, a bill (No. 297) to amend an act entitled "an act to incorporate the town of Madison," approved Feb. 4, 1831;

Which was read three several times, the rules of the House having been dispensed with) and passed.

Ordered, That it be entitled an act and that the Clerk carry the same to the Senate and ask their concurrence.

Mr. Carter of Cass, from a select committee on that subject reported a bill (No. 298) to attach certain territory to the county of Cass;

Which was twice read, the rules of the House having been suspended, and

On motion of Mr. Mr. Nave,

Ordered, That the same do lie on the table.

Mr. Carr, made the following report:

The select committee to whom was referred the petition of Barzilla Willey and others, praying that a part of Salt creek may be declared a public highway, have according to order had the same under their consideration, and have directed me to report a bill entitled a bill (No. 299) to amend an act entitled "an act declaring certain streams therein named, public highways and for other purposes," approved Feb. 10th, 1831;

Which was three times read, the rules being for the purpose suspended, and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Armstrong asked and obtained leave to withdraw the petition of Joseph Lefever, upon which an unfavorable report was heretofore made by the Judiciary committee.

Mr. Ray made the following report, which was read and concurred in:

The committee on the Judiciary to which was referred the petition of John Smith and others, on the subject of the passage of a law relieving them from certain alleged grievances arising out of the charter of the borough of Richmond, and the remonstrance of Alexander Stokes and others, against the same, report that they deem it inexpedient to legislate on that subject, and ask to be discharged from the further consideration of the same.

The House resumed the consideration of the report made by Mr. Wallace from the committee on the State Bank, on this morning, when

Mr. Smith of R. moved to lay it on the table.

Pending which question,

The House adjourned until half past 8 o'clock to-morrow morning.

TUESDAY MORNING, Feb. 3, 1835.

The House met pursuant to adjournment.

Mr. Liston presented the petition of David Sprague and others, citizens of Michigan city, in this State, praying a certain act of incorporation, accompanied by a bill [No. 300] to incorporate the Michigan city and Kankakee rail-road company;

Which was read three several times, (the rules of the House having been dispensed with,) and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

Mr. Bennett presented a bill [No. 301] to amend an act entitled an act to amend an act to incorporate Congressional townships, and providing for public schools therein, approved Feb. 1, 1834—accom-

panied by a petition of sundry citizens of the county of Union, on that subject;

Which bill was twice read, (the rules of the House having been dispensed with.) and,

Ordered to be engrossed, and read a third time to-morrow.

Mr. Bigger moved that leave of absence be granted to Mr. Angle, until Saturday next;

Which motion did not prevail.

Mr. Dunning asked, and obtained leave of absence for Mr. Culbertson, for the remainder of the session.

Mr. Bigger presented the petition of Wm. J. Brown, and sundry other citizens of Rush county, praying the passage of an act to incorporate the Rush county seminary society;

Which was read and referred to a select committee of Messrs. Bigger, Willet, and Smith of F.

Mr. Bower presented the petition of John Carr and others, citizens of Clark county, praying a change in the system and economy of the Indiana college;

Which was read,

When Mr. Bower moved to refer it to the committee on Education.

Mr. Bigger proposed a select committee;

And it was so referred.

Ordered, That Messrs. Bigger, Stanford, and Vawter, be that committee.

On motion of Mr. Bigger,

The committee on education, to which were referred several petitions, on the same subject as the last petition, were discharged from the consideration thereof—and said petitions were re-committed for consideration, to the last named select committee.

On motion of Mr. Chapman,

The bill [No. 208] to incorporate the Turkey-plain manufacturing company;

Was taken up and considered—

And after a suspension of the rules of the House, said bill was read a second and third times and passed.

Ordered, That it be entitled an act, and that the clerk carry the same to the Senate and ask their concurrence.

Mr. Leslie moved to re-consider the vote heretofore taken on the motion to indefinitely postpone the bill (No. 244) to revive and continue in force for a limited time, the act to incorporate the Farmer's and Mechanic's bank of Indiana at Madison:

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bigger, Bradbury, Carter of C., Chapman, Cook, Crume, Davis, Evans, Hannaman, Henkle, Hoagland, Howell, Kelso, Lockhart, Marshall, McDougle, Rockhill, Schooling, Smith of F., Stafford, Strain,

Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Wilson of H., and Gregory, speaker—29.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bower, Brackenridge, Brett, Bryan, Carr, Corwell, Curry, Curtis, Gaddes, Green, Hardesty, Hargrove, Harris, Howard, Johnson of M., Johnston of F., Latshaw, Leslie, Liston McCalley, M'Intire, Mendenhall, Moore, Nave, Parks, Phelps, Puckett, Ray, Shank, Shaw, Smith of R., Stanford, Storm, Willet, Wilson of P. Woodruff, and Wright—40.

So said vote was re-considered.

A message from the Governor by Mr. Ketcham, his private secretary:

MR. SPEAKER,

I am directed by his Excellency the Governor, to inform the House of Representatives that on the 31st ult. he approved the acts entitled as follows, which originated in the House of Representatives:

No. 230—An act to establish a State road from Martinsville, in Morgan county via Middletown, in Owen county, to John Chance's ferry, on Eel river, thence to Hayne's old cabin, in Vigo county;

No. 158—An act to amend an act entitled an act to incorporate the town of Lafayette;

No. 162—An act to amend an act entitled an act for the inspection of flour, beef, and salt, approved Jan. 24, 1829;

No. 232—An act requiring the county of Cass to pay to the county of Miami, the county revenue collected within the county of Miami, in the year 1834;

No. 64—An act to attach certain territory to the county of Warren, and for other purposes;

No. 147—An act to locate a state road from Brookville in Franklin county via Fairfield in Franklin county, and Dunlapsville and Browns-ville in Union county, to Richmond in Wayne county;

No. 222—An act to locate and establish a state road from Michigan town in Clinton county, to Andersontown in Madison county;

No. 45—An act to amend an act entitled an act regulating the practice in chancery;

No. 168—An act for the relief of Jesse Daver, of Monroe county;

No. 218—An act declaring an act therein named, in force, and for other purposes;

And that the following which originated in the Senate, were approved on the same date:

No. 121—An act to legalize an election in Spencer county, held by the voters in Congressional township number eight, south of range No. 8 west, to determine whether they should sell the sixteenth section therein;

No. 13—An act to vacate a part of a State road leading from Corydon, in Harrison county, to Troy in Perry county;

No. 122—An act to amend an act entitled an act to incorporate the Evansville and Lafayette rail road company, approved Dec. 24, 1833;

All of which have been filed in the Secretary's office.

Mr. Howell, from the joint committee of enrolled bills reported that they had compared the enrolled with the engrossed bills which originated in the House of Representatives, entitled as follows, to wit:

No. 87—an act to incorporate the Buffalo and Mississippi rail-road company;

No. 94—An act declaring certain county roads therein named state roads;

No. 245—an act to legalize certain acts therein named;

No. 238—an act for the relief of Allen Major, late of Shelby county, deceased;

No. 156—an act granting relief to Asa Smith and others;

No. 78—an act to establish and define certain streets in the town of Lanesville, Harrison county, and for other purposes;

No. 251—an act to vacate the town of New Lexington;

No. 132—an act to establish a State road in the county of Switzerland;

No. 130—an act to incorporate the New Harmony manual labor college, at or adjoining New Harmony, Posey county, Indiana;

No. 241—an act to provide for the location of a State road therein named;

No. 166—an act to authorize the president and trustees of the town of Connersville, to lay off a street;

No. 117—an act to authorize the location of a State road from Indianapolis, to the Strawtown road;

No. 128—An act to amend an act entitled an act to appropriate part of the 3 per cent. fund, approved Jan. 31, 1833;

No. 271—an act to locate a certain State road therein named;

No. 275—An act supplemental to an act entitled an act to change a part of the state road leading from New York in Switzerland county, to intersect the state road leading from Vevay in said county to Versailles in Ripley county, approved Jan. 15, 1834;

No. 233—an act to provide for the location of a State road from Marion, in Grant county, to Huntington;

No. 225—an act to give the circuit court of Fayette county jurisdiction in a certain case;

No. 220—an act to provide for the location of the seat of justice of the county of Dearborn, and for other purposes;

No. 77—an act to locate a State road from New Harmony to Evansville;

No. 163—a joint resolution and memorial, in relation to certain saline reservations, therein mentioned;

No. 272—A joint resolution on the subject of furnishing the county of Lagrange with an additional number of the Revised Code;

Also, acts which originated in the Senate entitled as follows, to wit:

No. 111—an act to provide for the further prosecution of the Wabash and Erie canal, and for other purposes;

No. 106—an act to incorporate the Olive Branch school society in Tippecanoe county;

No. 91.—an act to vacate a part of the public square in the town of Corydon;

No. 118—an act to amend an act to establish a board of trustees for the promotion of schools and education in Clark's Grant, approved Jan. 28, 1824; and,

No. 123—a joint memorial to Congress, praying for a grant of land to aid in the construction of a rail-road from Evansville to Terre Haute; and find the same duly enrolled.

Whereupon the Speaker signed said bills.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

Mr. Evans, after having obtained leave, presented

A bill (No. 302) supplemental to an act entitled "an act for the further prosecution of the Wabash and Erie Canal, and for other purposes," which passed the present session of the General Assembly;

Which was twice read (the rules of the House having first been dispensed with) when,

On motion of Mr. Henkle, it was amended by adding to its provisions the following clause, to wit:

"That the expense incurred in the survey made by William Gooding, under the direction of the Canal Commissioners, of the canal line from the mouth of Tippecanoe to Lafayette, is hereby directed to be paid out of the canal fund, and so much thereof as has been advanced by individuals shall be deposited by the canal commissioners in the county treasury of Tippecanoe county for the use and benefit of the persons who may have advanced the same.

Mr. Woodruff proposed the following as an additional section to said bill, to wit:

"Sec. Be it further enacted, that the town of Columbus in the county of Bartholomew and the town of Franklin in Johnson county, shall be made points in the survey of a route for a rail road from Madison by the way of Indianapolis to Lafayette."

Mr. Vawter moved to amend the amendment by making Vernon, in the county of Jennings, a point in said route;

Which motion prevailed.

The question being then taken on the motion of of Mr. Woodruff to amend;

It was decided in the negative.

Mr. Leslie moved to amend by adding the following additional section:

"Sec. That the surveys contemplated by the act to which this is a supplement shall not commence until the 1st day of January 1836."

And on the question to adopt the same;

It was decided in the negative.

Mr. Smith of F., moved to strike out \$ 2, as the compensation of the appraisers appointed by said bill, and to insert \$ 3; and

A division of the question being called for, the first branch thereof, to wit: on striking out, was put,

And decided in the negative.

Said bill was then read a third time (after a suspension of the rules of the House) and passed.

Ordered, That said bill be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence therein.

And then the House adjourned until half past 1 o'clock P. M.

Half past 1 o'clock P. M.

The House met pursuant to adjournment.

On motion of Mr. Nave, leave of absence was granted Mr. Angle until Monday next.

Mr. Willet offered for adoption the following resolution:

Resolved, That the printer be directed to print for the use of the members of this House, 500 copies of the list of titles to the acts of the session.

Mr. Brackenridge moved to lay said resolution on the table;

Which motion did not prevail.

Mr. Liston proposed to amend the resolution by striking out (500) and inserting 1000.

A division of the question being called for, the first branch thereof, to wit: on striking out, was put,

And decided in the negative.

Said resolution was then adopted.

Mr. Crume offered for adoption the following resolution, viz:

Resolved, That the Secretary of State be required to cause to be made a succinct and intelligible index to the Journal of this House for the present session, and that the Auditor allow, and the Treasurer pay such amount therefor as the person administering the Government of this State, shall certify to be reasonable, not exceeding one hundred and twenty dollars.

Mr. Henkle moved to amend the resolution by striking out \$120, and inserting \$ 75.

Mr. Crume proposed \$ 100, which was accepted by Mr. Henkle, as a modification of his motion.

Mr. Bryan proposed the following as an amendment of the motion of Mr. Henkle to amend: "that the Clerk of the House be directed to employ some suitable person to prepare an index to the Journal of the House of the present session, whose compensation therefor shall not exceed \$ 75;

Which passed in the affirmative.

And on the question to adopt the amendment proposed by Mr. Henkle as amended;

It was carried in the affirmative.

Mr. Wallace moved to amend said resolution by striking it out from the resolving clause, and inserting the following, viz:

"That the Secretary of State be directed to index the Journals of

the House of Representatives, in the same manner they were indexed last year, and that he be allowed as a compensation, seventy-five dollars, to be audited by the Auditor and paid by the Treasurer, upon application of the Secretary;"

Which was carried in the affirmative.

The question then recurring on the adoption of the resolution as amended, it was put;

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bennett, Bigger, Carter of C., Chapman, Crume, Davis, Evans, Hannaman, Henkle, Johnston of F., Kelso, Leslie, Liston, Marshall, McDougale, McIntire, Mendenhall, Parks, Ray, Rockhill, Shaw, Smith of F. Thompson, Vandever, Wallace, Willet, Wilson of H., and Gregory, Speaker—28.

And those who voted in the negative are,

Messrs. Armstrong, Bell, Bower, Brackenridge, Bradbury, Brett, Bryan, Carr, Conwell, Cook, Curry, Curtis, Gaddes, Green, Hardes-ty, Hargrove, Harris, Hoagland, Howard, Howell, Latshaw, Lockhart, McCalley, Moore, Nave, Phelps, Schooling, Shank, Smith of R., Stafford, Stanford, Storm, Torbet, Vawter, Walker, Wilson of P., Woodruff, and Wright—38.

And so said resolution was not adopted.

On motion of Mr. Lesile,

The rules of the House were suspended, and the bill [No. 149] authorizing a loan of \$300,000 for the improvement of roads, and pledging the 3 per cent. fund, was taken up, and read a third time, and,

On motion of Mr. Stanford, it was re-committed to a select committee.

Ordered, That Messrs. Kelso, Wilson, Brackenridge, Wallace, Bennett, and Vawter be that committee; and that said committee have leave of absence for the remainder of this day.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate concur in the report of the committee of free conference appointed on the part of the Senate to take into consideration, with a similar committee on the part of the House, the disagreeing votes of the two Houses on the bill of the House [No. 126] entitled an act laying out all the unorganized territory to which the Indian title has been extinguished in this state into a suitable number of counties, and for other purposes.

They have passed, without amendment, an engrossed bill of the House entitled

An act to amend an act entitled an act regulating the taking up of animals going estray, and water crafts and other articles of value adrift, approved Feb. 9, 1831.

On motion of Mr. Willet, the House again resolved itself into a committee of the whole on the bill [No. 269] making specific appropriations for the year 1835; and, after some time spent therein, Mr. Bryan their chairman reported the same with sundry amendments; in which he, in behalf of the committee, asked the concurrence of the House.

The several amendments of the committee proposed to said bill, Nos. 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 13, 14, and 15, were severally read and concurred in.

The 6th amendment^d was read, and is as follows, viz:

"That the sum of three hundred dollars be allowed to the person administering the government of this state, in lieu of Private Secretary, Clerk, Stationary, and Postage, contingencies for the current year."

And on the question,

Will the House concur?

The ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Bigger, Bradbury, Carter of C., Conwell, Curry, Curtis, Davis, Evans, Hannaman, Henkle, Johnson of M., Johnston of F., Kelso, Liston, Marshall, McDougle, Mendenhall, Ray, Rockhill, Shaw, Smith of F., Smith of R., Stafford, Thompson, Torbet, Vawter, Wallace, Willet, Wilson of V., Woodruff, and Gregory, Speaker—31.

And those who voted in the negative are,

Messrs. Armstrong, Bell, Bower, Brett, Bryan, Carr, Cook, Crume, Gaddes, Green, Hardesty, Hargrove, Harris, Hoagland, Howard, Howell, Latshaw, Lockhart, McCalley, McIntire, Moore, Nave, Parks, Phelps, Schooling, Shank, Stanford, Storm, Vandever, Wilson of P., and Wright—31.

And so the House did not concur in said 6th amendment.

The 12th amendment was read, and is as follows, viz:

"That Morris Morris be allowed the sum of two hundred dollars for services under the direction of the General Assembly for the last 6 years—in valuing lots and out-lots in Indianapolis, attending to letting out contracts for printing, and furnishing wood for General Assembly, and for superintending the building of the State House from its commencement to the first of Jan. 1835, and for all other extra services by him rendered up to this time."

And on the question, will the House concur therein?

The ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Bell, Bennett, Bigger, Bradbury, Brett, Carr, Carter of C., Conwell, Cook, Crume, Curry, Curtis, Davis, Evans, Green, Hannaman, Hardesty, Harris, Henkle, Hoagland, Howell, Johnston of F.,

Kelso, Latshaw, Liston, Lockhart, Marshall, McDougale, McIntire, Mendenhall, Parks, Phelps, Ray, Rockhill, Shaw, Smith of F., Smith of R. Stafford, Stanford, Thompson, Torbet, Vawter, Wallace, Willet, Wilson of V., and Gregory, Speaker—46.

And those who voted in the negative are,

Messrs. Armstrong, Bower, Bryan, Gaddes, Hargrove, Howard, M'Calley, Moore, Nave, Schooling, Shank, Storm, Vandever, Wilson of P., and Wright,—15.

And so said amendment was concurred in.

Mr. Phelps then moved to re-consider the vote just taken on the vote of concurrence in the 6th amendment;

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bell, Bennett, Bigger, Bradbury, Carter of C., Conwell, Curry, Curtis, Davis, Evans, Hannaman, Hardesty, Henkle, Johnson of M., Johnston of F., Kelso, Liston, Marshall, McDougale, Mendenhall, Phelps, Ray, Rockhill, Shaw, Smith of F., Smith of R., Stafford, Thompson, Torbet, Vawter, Wallace, Willet, Wilson of V., and Gregory, Speaker—34.

And those who voted in the negative are,

Messrs. Armstrong, Bower, Brett, Bryan, Carr, Cook, Crume, Gaddes, Green, Hargrove, Harris, Hoagland, Howard, Howell, Latshaw, Leslie, Lockhart, McCalley, McIntire, Moore, Nave, Parks, Schooling, Shank, Stanford, Storm, Vandever, Wilson of P., and Wright—29.

So said vote was re-considered.

The question recurring on concurring in said amendment, it was thereupon put;

And the ayes and noes being requested thereon by two members:

Those who voted in the affirmative are,

Messrs. Bennett, Bigger, Bradbury, Carter of C., Conwell, Curry, Curtis, Davis, Evans, Hannaman, Henkle, Johnson of M., Johnston of F., Kelso, Liston, Marshall, M'Dougale, Mendenhall, Phelps, Puckett, Ray, Rockhill, Shaw, Smith of F., Smith of R., Stafford, Thompson, Torbet, Vawter, Wallace, Willet, Wilson of V., and Gregory, Speaker—33.

And those who voted in the negative are,

Messrs. Armstrong, Bell, Bower, Brett, Bryan, Carr, Cook, Crume, Gaddes, Green, Hardesty, Hargrove, Harris, Hoagland, Howard, Howell, Latshaw, Leslie, Lockhart, M'Calley, McIntire, Moore, Nave,

Parks, Schooling, Shank, Stanford, Storm, Vandever, Wilson of P., and Wright—31.

So the House concurred in said 16th amendment.

The 16th amendment was read, and is as follows, viz:

"That James B. E. Reid be allowed the sum of one hundred and fifty dollars for 150 cords of wood, furnished the present session of the General Assembly."

And on the question of concurrence therein,

And the ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Bell, Bigger, Bower, Bradbury, Bryan, Carr, Carter of C., Conwell, Cook, Crume, Curtis, Davis, Evans, Green, Hannaman, Hardesty, Harris, Henkle, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Kelso, Latshaw, Leslie, Lockhart, Marshall, M'Calley, M'Dougale, McIntire, Mendenhall, Moore, Parks, Phelps, Puckett, Ray, Rockhill, Schooling, Shank, Shaw, Smith of F., Smith of R., Stafford, Storm, Thompson, Torbet, Vawter, Wallace, Willet, Wilson of V., Wright, and Gregory, Speaker—53.

And those who voted in the negative are,

Messrs. Angle, Brett, Gaddes, Hargrove, Liston, Nave, Stanford, Vandever, and Wilson of P.—9.

So the House concurred in said 16th amendment.

Mr. Armstrong moved further to amend the bill, by adding thereto the following as an additional section to-wit:

"That James Keigwin be allowed fifty dollars 62-100 for blank books, furnished for the state prison, and for bibles, testaments, and spelling-books, furnished for the prisoners;"

Which was carried in the affirmative.

And before any further question was had on said bill,

The House adjourned until to-morrow morning at half past eight o'clock.

WEDNESDAY MORNING, FEB. 4, 1835.

The House met pursuant to adjournment.

Mr. Bennett, on leave being granted, presented a bill (No. 303) to amend an act entitled "an act for the relief of the securities of certain officers;

Which was three several times read (the rules of the House having been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Stafford, on leave being granted, presented a bill (No. 304) to amend an act entitled "an act to organize and regulate the militia of the State of Indiana;"

Which was read three several times (the rules of the House having been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Crume, after having obtained leave, offered for adoption the following resolution, to wit:

Resolved, That the public printer be, and he is hereby authorized to print four hundred and twenty copies of the Journal of this House, and that the Secretary of State be authorized to index the same, for which he shall be allowed such sum as the Auditor and Treasurer may think reasonable.

On motion of Mr. Liston said resolution was amended by striking out "420," and inserting "500."

Mr. Moore moved to strike out so much as relates to indexing the Journal;

Which motion was decided in the negative.

On motion of Mr. Hargrove said resolution was further amended by making the expense of said index not to exceed seventy-five dollars.

The question was then put,

Shall said resolution be adopted?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bell, Bennett, Bigger, Bradbury, Bryan, Carr, Carter of C., Chapman, Cook, Crume, Curry, Curtis, Davis, Evans, Gaddes, Hannaman, Hardesty, Hargrove, Harris, Henkle, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Latshaw, Leslie, Liston, McDougale, McIntire, Mendenhall, Parks, Puckett, Ray, Rockhill, Shank, Smith of F., Smith of R., Stafford, Stanford, Storm, Strain, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Willet, Wright, and Gregory, Speaker—51.

And those who voted in the negative are,

Messrs. Bower, Conwell, Lockhart, McCalley, Moore, Nave, Phelps, Schooling, Wilson of P., and Woodruff—10.

And so said resolution was adopted.

Mr. Evans offered for adoption the following resolution, to wit:

Resolved, That the Speaker of the House of Representatives shall not sign the account of wages of any member until the second day previous to adjournment sine die, unless leave of absence shall have been previously given;

Which was read and adopted.

On motion of Mr. Bigger,

Resolved, That the Secretary of State be requested forthwith to furnish a list of the acts of the present General Assembly to the public printer, with a view to have them printed for the use of the House.

Mr. Shank, on leave being granted, presented a bill (No. 305) to amend an act entitled "an act incorporating Congressional townships, and providing for public schools therein," approved Feb. 2d, 1833;

Which was read three several times (the rules of the House having been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Hargrove, on leave being granted, presented a bill (No. 306) providing against trespassing animals;

Which was twice read (the rules of the House being dispensed with) and,

On motion of Mr. Bigger, amended by adding an additional section thereto, repealing so much of the act now in force on that subject as contravenes the provisions of this act.

Said bill was then read a third time, after a suspension of the rule, and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Wallace, on leave being granted, presented a bill (No. 307) to amend the act entitled "an act regulating weights and measures," approved Jan. 21, 1818;

Which was twice read (the rules of the House having first been dispensed with.)

Mr. Vandever moved to except from the provisions of said bill the county of Orange;

Which motion was decided in the negative.

Said bill was then read a third time and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Willet, on leave, presented a bill (No. 308) to amend the act regulating general elections;

Which was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Ray, on leave, presented a bill (No. 309) to locate a State Road from Centreville, in Wayne county, to Connersville, in Fayette county, and for other purposes;

Which was three times read (the rules of the House being first dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry the same to the Senate and ask their concurrence.

Mr. Vandever, on leave, presented a bill [No. 310] supplementary to an act entitled "an act to provide for the the sale of certain lands therein named," approved Feb. 2, 1833, approved Jan. 8, 1835;

Which was three times read, the rules of the House being first dispensed with, and passed,

Ordered, That it be entitled an act and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Hardesty moved to suspend the several orders of business, for the purpose of introducing a resolution,

The ayes and noes being requested thereon by two members;

Those who voted in the affirmative are,

Messrs. Bigger, Bower, Bradbury, Brett, Bryan, Chapman, Conwell, Curtis, Gaddes, Hardesty, Hargrove, Howard, Howell, Johnston of F., Latshaw, Leslie, Liston, Lockhart, Marshall, McCalley, Mendenhall, Moore, Nave, Parks, Phelps, Puckett, Ray, Schooling, Shank, Shaw, Smith of R., Stafford, Stanford, Torbet, Walker, Wilson of P., and Woodruff—37.

And those who voted in the negative are,

Messrs. Armstrong, Bell, Carr, Carter of C., Cook, Crume, Curry, Davis, Evans, Hannaman, Harris, Henkle, Hoagland, Johnson of M., McDougale, McIntire, Rockhill, Smith of F., Storm, Strain, Thompson, Vandever, Vawter, Wallace, Willet, Wright, and Gregory, Speaker—27.

So said motion passed in the affirmative.

Mr. Hardesty, thereupon moved the following resolution:

Resolved, That this House will adjourn *sine die* on Saturday the 7th instant, the Senate concurring therein;

And on the question, shall said resolution be adopted?

The ayes and noes being requested by two members;

Those who voted in the affirmative are,

Messrs. Armstrong, Bennett, Bigger, Bower, Bradbury, Brett, Bryan, Chapman, Conwell, Cook, Curtis, Davis, Gaddes, Hardesty, Hargrove, Henkle, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Latshaw, Leslie, Lockhart, Marshall, McCalley, McDougale, McIntire, Mendenhall, Moore, Nave, Parks, Phelps, Puckett, Ray, Schooling, Shank, Shaw, Smith of R., Stafford, Stanford, Torbet, Vandever, Walker, Willet, Wilson of P., Woodruff, and Wright—49.

And those who voted in the negative are,

Messrs. Bell, Carr, Carter of C., Crume, Curry, Evans, Hannaman, Harris, Rockhill, Smith of F., Storm, Strain, Thompson, Vawter, Wallace, and Gregory, Speaker—16.

And so said resolution was adopted.

Ordered, That the Clerk inform the Senate thereof and ask their concurrence.

Mr. Crume from the committee of Ways and Means, on leave, reported a bill [No. 311] making general appropriations for the year 1835;

Which was twice read, the rules of the House having first been dispensed with, and committed to a committee of the whole House and made the order of the day, for this day now,

Whereupon the House resolved itself into a committee of the whole on said bill.

and after some time spent therein, Mr. Brett reported the same with two amendments.

The first of which was read, to wit:

Strike out "\$100," the amount appropriated to the State Library, and insert in lieu thereof "\$200,"

And on the question of concurrence therein,

The ayes and noes being requested by two members;

Those who voted in the affirmative are,

Messrs. Bell, Bennet, Bigger, Bradbury, Brett, Carr, Carter of C., Chapman, Conwell, Cook, Crume, Curry, Davis, Hannaman, Hardesty Hargrove, Henkle, Howard, Howell, Johnson of M., Johnston of F., Kelso, Latshaw, Leslie, Liston, Marshall, McDougale, McIntire, Mendenhall, Moore, Parks, Pucket, Ray, Rockhill, Schooling, Shaw, Smith of F., Smith of R., Stafford, Strain, Thompson, Torbet, Vawter, Walker, Wallace, Willet, and Gregory, Speaker—47.

And those who voted in the negative are,

Messrs. Armstrong, Bower, Bryan, Gaddes, Green, Harris, Hoagland, Lockhart, McCally, Nave, Phelps, Shank, Storm, Vandever, Wilson of P., Woodruff, and Wright—17.

So said amendment was concurred in.

Said 2d amendment was thereupon read, to wit;

Strike out "\$1500" the amount for specific appropriations and insert in lieu thereof "\$2500;"

And on the question, will the House concur in said second amendment?

The ayes and noes being requested thereon by two members;

Those who voted in the affirmative are,

Messrs. Bennett, Bigger, Bradbury, Carr, Carter of C., Conwell, Crume, Curry, Curtis, Hannaman, Hardesty, Henkle, Howard, Howell, Johnston of F., Kelso, Leslie, Marshall, McDougale, Mendenhall, Puckett, Ray, Rockhill, Schooling, Shaw, Smith of F., Smith of R., Thompson, Torbet, Vawter, Walker, Wallace, and Willet—34.

And those who voted in the negative are,

Messrs. Armstrong, Bell, Bower, Brett, Bryan, Chapman, Cook, Gaddes, Green, Hargrove, Harris, Hoagland, Johnson of M., Latshaw, Lockhart, McCally, McIntire, Moore, Nave, Parks, Phelps, Shank, Stafford, Stanford, Storm, Strain, Vandever, Wilson of P., Woodruff, and Gregory, Speaker—31.

So said amendment was concurred in.

Said bill was then ordered to be engrossed and read a third time on to-morrow.

Mr. Chapman made the following report:

The committee of free conference to whom was referred, the disagreeing votes of the Senate and House of Representatives, to the bill (No. 139) entitled a bill to organize the bounds of Kosciusko have according to order had that subject under consideration and report the following as the result of the conference, viz:

1st. The Senate are to recede from their amendment so far as the same relates to the first and third sections, the balance of the bill of the House is to be stricken out, and the amendment of the Senate inserted in lieu thereof.

And the question of concurrence in said report being taken;

It was decided in the negative.

Mr. Bigger made the following report:

The committee on education to which was referred the bill of the Senate (No. 142) in furtherance of an act to provide a fund for the encouragement of common schools, approved Feb. 2, 1832, have had the same under consideration and a majority of said committee have directed me to report the same back with one amendment;

Which was read and disagreed to by the House.

Mr. Conwell moved that the bill be indefinitely postponed.

Mr. Evans moved that the same do lie on the table;

Which motion did not prevail.

The question on the indefinite postponement of said bill then coming up;

It was put,

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bradbury, Chapman, Conwell, Crume, Curtis, Evans, Gaddes, Johnson of M., Marshall, McIntire, Moore, Nave, Rockbill, Smith of F, Thompson, and Gregory, Speaker—16.

And those who voted in the negative are,

Messrs. Armstrong, Bell, Bennett, Bigger, Bower, Brett, Bryan, Carr, Carter of C., Curry, Green, Hannaman, Hardesty, Hargrove, Harris, Henkle, Hoagland, Howard, Howell, Johnston of F., Kelso, Latshaw, Leslie, Liston, Lockhart, McCalley, McDougale, Mendenhall, Parks, Phelps, Puckett, Ray, Schooling, Shank, Shaw, Smith of R., Stafford, Stanford, Storm, Strain, Torbet, Vandever, Vawter, Walker, Wallace, Willet, Wilson of P., Wilson V., Woodruff, and Wright—50.

And so it was decided in the negative.

Mr. Hargrove then moved to amend said bill by striking out the 14th section, and insert in lieu thereof the following:

"Sec. 14. Any monies arising under the operation of this act, and the act of which it is in furtherance, shall be received and loaned out by the school commissioner in the same manner as other school funds are directed to be loaned out by such commissioner, under the provisions of an act incorporating congressional townships and providing for public schools therein, approved Feb. 2, 1833, so far as the same are applicable, but no vote shall be required to authorize such loan.

"Sec. 15. Such loans shall be secured by mortgage, as provided in the last cited act: *Provided*, that such mortgage shall be made to the commissioner for the use of common schools of the proper county, and any suit for the recovery of such loan, or any part thereof, shall be brought in the name of the commissioner for the use of common schools of his county.

"Sec. 16. The interest accruing on such loans, and on the unpaid purchase money of such lands, together with all monies paid for redeeming such lands, and the penalties in this act mentioned, which shall be recovered, shall be divided

among the several school townships, congressional townships, and fractional townships, if any, of the county, in proportion to the aggregate amount of tuition in them severally and collectively as the teachers' lists, returned to the several township treasurers shall exhibit, and to enable the commissioner to make such estimate, it shall be the duty of the several treasurers of the school townships, congressional townships, and fractional townships if any, within five days after the teachers lists are returned to them as aforesaid, to make out a true copy of such lists and deliver the same to the commissioner: *Provided however*, that the inhabitants of any school district that may be destitute of a comfortable school house shall be entitled to draw and use out of their proportion of such fund, any sum not exceeding fifty dollars, to aid them in building or repairing a school house, which sum shall be by the commissioner, entered to the credit of such inhabitants and shall be deducted from their subsequent dividends arising from the interest on such loans until such interest shall equal the sum so drawn, to build or repair such school house as aforesaid."

And before any question was had on said amendment,
The House adjourned until half past one o'clock, P. M.

Half past 1 o'clock P. M.

The House met pursuant to adjournment.

Mr. Chapman moved that the House recede from its disagreement to the amendment proposed by the Senate to the bill of the House (No. 139) to organize the county of Kosciusko;

Which motion did not prevail.

Mr. Chapman then moved that the House continue to insist on its said disagreement, and that a second committee of free conference be appointed;

Which motion was carried in the affirmative.

Ordered, That Messrs. Chapman, Liston, and Kelso, be said committee to take into consideration the disagreeing votes of the two Houses on that subject, to act with a similar committee to be appointed on the part of the Senate, and that the clerk inform the Senate thereof.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate has reciprocated the resolution of the House, fixing on Monday the 9th instant, as the day of adjournment of the two Houses of the General Assembly *sine die*.

The Senate has passed an engrossed bill of the House (No. 150) entitled "an act to provide for an equitable mode of levying the taxes of this State with amendments, in which the concurrence of the House of Representatives is requested.

The several amendments of the Senate to the engrossed bill of the House (No. 150) named in said message, were severally read and concurred in by the House except the 11th amendment, which is as follows, to wit:

"Sec. 13, line 2d, insert after the word "the" "value over and above

two hundred dollars of," and by striking out after the word "buildings," the words "and improvements," and in 5th line strike out "improvements thereon."

And on the question, will the House concur in said amendment?

The ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bell, Bennett, Bigger, Bower, Bradbury, Brett, Bryan, Carr, Chapman, Conwell, Cook, Crume, Curtis, Davis, Gaddes, Green, Hardesty, Harris, Henkle, Howard, Johnson of M., Johnston of F., Kelso, Latshaw, Leslie, Liston, Lockhart, Marshall, M'Calley, Mendenhall, Nave, Parks, Phelps, Puckett, Ray, Schooling, Shaw, Smith of F., Smith of R., Stafford, Stanford, Storm, Strain, Thompson, Torbet, Vandever, Walker, Wallace, Willet Woodruff, and Wright,
—53.

And those who voted in the negative are,

Messrs. Curry, Hannaman, Hargrove, Hoagland, McDougale, McIntire, Moore, Rockhill, Shank, Wilson of P., Wilson of V., and Gregory, Speaker—12.

So said amendment was concurred in by the House.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate has passed engrossed bills of the Senate, entitled as follows:

No. 90—An act to declare the road leading from Rome in Perry county, in the direction of Fredonia in Crawford county, a state road, and for other purposes;

No. 146—An act to authorize the purchase of sites for dams at the falls or rapids of the Wabash river, and for other purposes;

No. 147—An act to legalize the proceedings of the Commissioner of a certain state road therein named, and for other purposes;

No. 152—An act to improve the navigation of the Mississineway river.

They have passed engrossed bills &c. of the House entitled as follows:

No. 22—An act for the formation of the county of Noble, and for other purposes;

No. 44—An act to declare a certain county road therein named, a state road;

No. 103—A joint resolution of the General Assembly of the State of Indiana, relative to the Tippecanoe battle ground;

No. 267—An act to amend an act entitled "an act regulating grist mills and millers," approved February 10, 1831;

No. 284—An act to authorize the building of a bridge over Sugar creek at the Narrows, in Parke county, and

No. 286—An act supplementary to an act entitled "an act to amend

an act entitled an act to re-locate a part of the state road from Levenworth to Paoli," approved February 1, 1834; and likewise to amend an act entitled an act to establish a state road from Rome in Perry county, to Paoli in Orange county, approved February 1, 1834;

In which bills of the Senate, and the amendments proposed to bills Nos. 22, 103, 267, 284 and 286 of the House, the concurrence of the House of Representatives is requested.

The bills of the Senate (Nos. 90 and 146) named in said message,

Were severally three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That the Clerk inform the Senate thereof.

The bill of the Senate (No. 147) named in said message, was twice read, (the rules of the House having first been dispensed with,) and

On motion of Mr. Hannaman, committed to a select committee.

Ordered, That Messrs. Hannaman, Bell, and Evans, be that committee.

The bill of the Senate (No. 152) named in said message,

Was twice read (the rules of the House having been dispensed with) and,

On motion of Mr. Crume, amended by striking from the provisions of said act the counties of Delaware and Grant.

Said bill was then read a third time and passed.

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence in the amendment made by the House to said bill.

The further consideration of said message was suspended, and

Mr. Wilson of H., after having obtained leave, made the following report, to wit:

The select committee to which was referred a bill [No. 149] authorizing a loan for the improvement of roads and pledging the 3 per cent. fund for the payment thereof, have had the same under consideration and have directed me to report it back with one amendment;

Which was read, when

Mr. Marshall moved to amend the amendment proposed by the committee, by striking out the last section thereof, and inserting in lieu thereof the following, to-wit:

"That all laws and parts of laws, making appropriation of any part of the three per cent. fund, where the right to draw the same is not yet vested, be and the same are hereby repealed;"

Which was carried in the affirmative.

Mr. Davis moved to strike out "\$100" from that part thereof which provides the salary of the treasurer of state for his services, in lieu of those of the agent of the 3 per cent. fund, and to insert "\$200;"

Which motion did not prevail.

And on the question of concurrence in the report of the committee, It passed in the affirmative.

Mr. Nave moved that the further consideration of said bill be indefinitely postponed.

And before any question was had thereon, the Speaker adjourned the House until half past six o'clock this evening.

Half past 6 o'clock P. M.

The House met pursuant to adjournment.

Mr. Howell, from the joint committee of Enrolled bills, reported that they did on this day present to his excellency the Governor, for his approval and signature, bills which originated in the House of Representatives, of the following titles to-wit:

No. 77—An act to locate a state road from New Harmony to Evansville;

No. 78—An act to establish and define certain streets in the town of Lanesville, Harrison county, and for other purposes;

No. 87—An act to incorporate the Buffalo and Mississippi Rail Road Company;

No. 94—An act declaring certain roads therein named state roads;

No. 120—An act to provide for the re-location of the seat of justice of Dearborn county, and for other purposes;

No. 117—An act to authorize the location of a state road from Indianapolis to the Strawtown road;

No. 128—An act to amend an act entitled an act to appropriate part of the three per cent. fund, approved Jan. 31, 1833;

No. 130—An act to incorporate the New Harmony manual labor college at or near New Harmony, in Posey county, Indiana.

No. 140—An act attaching the north east quarter of section four, township 4 north of range No. 8 east, to the county of Jennings;

No. 166—An act to authorize the president and trustees of the town of Connersville to lay off a street;

No. 169—An act to declare certain county roads therein named state roads;

No. 174—An act to locate and establish certain state roads therein named and for other purposes;

No. 182—An act to extend a state road to Haydons ferry;

No. 192—An act to establish a state road in the county of Switzerland;

No. 225—An act to give the circuit court of Fayette county jurisdiction in a certain case;

No. 133—An act to provide for the location of a state road from Marion in Grant county to Huntington;

No. 138—An act for the relief of Allen Major late of Shelby county deceased;

No. 241—An act to provide for the location of a state road therein named;

No. 245—An act to legalize certain acts therein named;

No. 246—An act supplementary to an act entitled an act for the further relief of John G. Davis former collector of Parke county and John G. Kindle of Decatur county;

No. 251—An act to vacate the town of New Lexington;

No. 271—An act to locate a certain state road therein named;

No. 275—An act supplementary to an act entitled an act to change a part of the state road leading from New York in Switzerland county to intersect the state road leading from Vevay in said county to Versailles in Ripley county, approved Jan. 5, 1834; also,

A joint resolution and memorial in relation to certain saline reservations therein mentioned; and

A joint resolution on the subject of furnishing the county of Lagrange with additional number of the revised Code;

Which originated in the House of Representatives,

No. 163—A joint resolution and memorial in relation to certain saline reservations therein mentioned;

No. 272—A joint resolution on the subject of furnishing the county of Lagrange with additional number of the revised Code.

Also bills which originated in the Senate of the following titles, to wit:

No. 91—An act to vacate a part of the public square in the town of Corydon;

No. 36—An act to provide an additional place of holding elections in Tobin township, Perry county;

No. 34—An act relative to school commissioners' deeds;

No. 37—An act for the benefit of Alexander Lowrey;

No. 87—An act to legalize the election of a justice of the peace in the territory attached to the county of Cass;

No. 19—An act to amend an act entitled "an act to provide for the improvement of the navigation of the Wabash river," approved Feb. 1, 1834;

No. 37—An act explanatory of "an act to appropriate part of the three per cent. fund," approved Jan. 31, 1833;

No. 118—An act to amend an act to establish a board of trustees for the promotion of schools and education in Clarks Grant, approved January 28, 1824;

No. 111—An act to provide for the further prosecution of the Wabash and Erie Canal and for other purposes;

No. 106—An act to incorporate the Olive Branch school society in Tippecanoe county;

No. 126—An act to appropriate a part of the three per cent. fund of Perry and Spencer counties;

No. 124—An act legalizing the proceedings of the Fort Wayne and St. Mary's bridge company;

Also a joint memorial which originated in the Senate entitled,

No. 129—A joint memorial to Congress, praying for a grant of land to aid in the construction of a rail road from Evansville to Terre Haute;

Mr. Howell, from the joint committee of enrolled bills, reported that they have compared the enrolled with the engrossed bills, which originated in the House of Representatives, entitled as follows, to wit:

No. 121—an act to incorporate the Spencer steam mill company;

No. 98—An act for improving Eel river in the county of Clay;

No. 170—An act to authorize Michael E. Israel to build a toll bridge across Hogan creek, in Dearborn county;

No. 125—An act to establish a state road from Logansport to the rapids of Iroquois river;

No. 61—an act to repeal part of an act or acts, incorporating the borough of Vincennes, approved Jan. 27, 1834;

No. 159—An act to establish certain State roads in Delaware and other counties;

No. 129—an act to establish a State road from Bowling-green in Clay county, to Osborn's ferry in Green county;

No. 134—An act to locate a certain state road therein named;

No. 44—An act to incorporate the Fort Wayne and Laporte turn-pike company;

Also, acts that originated in the Senate, of the following titles, to wit:

No. 67—An act to incorporate the Philomathean society;

No. 61—An act for the relief of Wm. McKennon, and to change the name of the town of Newburgh to Spartanburgh;

No. 16—An act to provide for taking the enumeration of the white male inhabitants above the age of 21 years;

No. 92—An act to provide for the furnishing and preservation of the State-house;

No. 149—An act supplemental to an act entitled an act to re-locate a certain State road therein named, approved Dec. 24, 1834;

No. 139—an act to incorporate the Crawford county seminary;

And a memorial and joint resolution which originated in the Senate,

No. 52—a joint memorial of the General Assembly of the State of Indiana;

And find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

The House then resumed the consideration of the bill (No. 149) authorizing a loan of \$300,000 for the improvement of roads, and pledging the Three per cent Fund for the payment thereof.

The question recurring, on the motion of Mr. Nave, pending at the last adjournment, to postpone indefinitely the further consideration thereof.

And the ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bigger, Bower, Bradbury, Carter of C., Crume, Curry, Curtis, Gaddes, Hardesty, Latshaw, Liston, M'Intire, Nave, Ray, Schooling, Smith of F., Smith of R., Stafford, Stanford, Willet, and Wilson of P.—22.

And those who voted in the negative are,

Messrs. Bell, Bennett, Brackenridge, Brett, Bryan, Carr, Chapman, Conwell, Cook, Davis, Green, Hargrove, Harris, Henkle, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Kelso, Leslie, Lockhart, Marshall, McDougale, Mendenhall, Moore, Parks, Phelps, Puckett, Rockhill, Shank, Shaw, Storm, Strain, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Wilson of H., Woodruff, and Gregory, speaker—43.

And so said motion was decided in the negative.

Said bill was then read a third time, and on the question, Shall it pass?

The ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Bell, Bennett, Brackenridge, Brett, Carr, Conwell, Cook, Davis, Green, Hargrove, Harris, Henkle, Hoagland, Howard, Howell, Johnston of F., Kelso, Leslie, Lockhart, Marshall, McDougle, Mendenhall, Moore, Parks, Phelps, Puckett, Shank, Shaw, Storm, Strain, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Wilson of H., Woodruff, Wright, and Gregory, speaker—40.

And those who voted in the negative are,

Messrs. Armstrong, Bigger, Bower, Bradbury, Bryan, Carter of C., Chapman, Crume, Curry, Curtis, Gaddes, Hardesty, Johnson of M., Latshaw, Liston, M'Intire, Nave, Ray, Rockhill, Schooling, Smith of R., Smith of F., Stafford, Stanford, Willet, Wilson of P., and Wilson of V.—27.

And so said bill passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

Mr. Bigger, on leave, presented a bill [No. 312] supplemental to an act passed during the present session of the General Assembly, to provide for an equitable mode of levying the taxes in this State;

Which was twice read (the rules of the House having first been dispensed with,) when

Mr. Crume moved to amend by striking out "2000," where it occurs therein, and inserting "1000," in lieu thereof.

Mr. Thompson proposed "5000."

A division of the question being called, the first branch, to wit:

On striking out, was put,

And decided in the negative.

Said bill was read a third time and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The House then resumed the consideration of the last named message of the Senate.

The several amendments proposed by the Senate to the bills of the House [Nos. 22 and 286] mentioned in said message, were severally read and concurred in.

The amendments proposed by the Senate to the engrossed joint resolution of the Senate [No. 103] named in said message, were severally read and concurred in.

The first amendment of the Senate to the bill of the House [No. 267] named in said message, was read and concurred in.

The Second amendment was read, when

Mr. Hargrove moved to amend the amendment proposed by the Senate, by inserting the word "special" before the word "agreement;"

Which motion did not prevail.

The 2d amendment proposed by the Senate to said bill was then concurred in by the House.

Ordered, That the Clerk inform the Senate thereof.

On motion, the House disagreed to the several amendments of the Senate to the engrossed bill of the House [No. 284] named in the message.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Crume,

The engrossed joint resolution from the Senate [No. 8] relative to the State House, was taken from the table,

And on the question, shall it pass?

The ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Bell, Bennett, Bigger, Bradbury, Brett, Carter of C., Conwell, Curry, Green, Howard, Johnston of F., Kelso, Liston, Marshall, Mendenhall, Parks, Phelps, Puckett, Rockhill, Smith of F., Smith of R., Thompson, Torbet, Vawter, Walker, Wallace, Willet, and Wilson of H.—28.

And those who voted in the negative are,

Messrs. Armstrong, Bower, Brackenridge, Bryan, Carr, Chapman, Cook, Crume, Curtis, Gaddes, Hardesty, Hargrove, Harris, Hoagland, Johnson of M., Latshaw, Leslie, Lockhart, McDougale, McIntire, Moore, Nave, Ray, Schooling, Shank, Shaw, Stafford, Stanord, Storm, Strain, Vandever, Wilson of P., Woodruff and Wright—35.

And so said joint resolution was rejected.

A message was received from the Senate by Mr. Morris their Secretary:

MR. SPEAKER—

The Senate concur in the amendments proposed by the House to the bill of the Senate [No. 38] entitled "an act to amend an act to regulate marriages," approved Feb. 4, 1831.

The Senate continue to insist on their disagreement to the amendments proposed by the House to the engrossed bill of the Senate [No. 123] entitled "an act to amend an act entitled an act for the incorporation of county libraries," and have appointed Messrs. Brady and Clark a committee of free conference to act with a similar committee to be appointed by the House, to take into consideration the disagreeing votes of the two Houses on said bill.

Mr. Bigger moved that the House recede from its amendments to the engrossed bill of the Senate [No. 123] named in said message.

Mr. Johnson of M. moved that the same do lie on the table;

Which motion was decided in the negative.

The question was then taken on the motion to recede, and was carried in the affirmative.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Bryan,

The bill [No. 145] to vacate a part of the Madison and Indianapolis state road and for other purposes, heretofore laid on the table, was taken up.

Mr. Bryan then moved that the further consideration of said bill be indefinitely postponed;

Which motion did not prevail.

Said bill was then read a third time, and on the question, shall it pass?

The ayes and noes being requested by two members;

Those who voted in the affirmative are,

Messrs. Bennett, Bigger, Bradbury, Chapman, Conwell, Curtis, Gaddes, Green, Hoagland, Howard, Liston, Lockhart, Marshall, Moore, Parks, Phelps, Ray, Schooling, Shauk, Smith of R., Stafford, Stanford, Strain, Vandever, Willet, Woodruff, and Wright,—27.

And those who voted in the negative are,

Messrs. Armstrong, Bell, Bower, Brackenridge, Brett, Bryan, Carr, Carter of C., Cook, Crume, Curry, Hardesty, Hargrove, Harris, Howell, Johnson of M., Johnston of F., Kelso, Latshaw, Leslie, McDougale, McIntire, Nave, Puckett, Rockhill, Shaw, Storm, Torbet, Vawter, Wallace, Wilson of H., and Wilson of P.,—32.

So said bill was rejected.

On motion of Mr. Bryan, leave was granted Mr. Johnson of M. to withdraw the papers on the subject of the last named bill.

On motion of Mr. Hardesty, the vote taken in the forenoon of this day, on the adoption of the resolution directing the Speaker of the House not to sign the account of wages of any member until the second day, previous to adjournment sine die, without leave of absence shall have been previously given, was reconsidered.

Mr. Brackenridge moved to lay the same on the table;

Which motion did not prevail;

And on the question to adopt the same, it was decided in the negative.

On motion of Mr. Ray, leave of absence was granted Mr. Puckett until Monday next.

And then the House adjourned until to-morrow morning at 8 o'clock.

THURSDAY MORNING, FEB. 5, 1835.

The House met pursuant to adjournment.

Leave of absence was granted Messrs. Evans, Davis, Smith of R., Kelso, Woodruff, Smith of F., and Wright, for the remainder of the session from this time, and Messrs. Conwell, Mendenhall, and Brett from to-morrow morning, and Mr. Marshall, from to-morrow at noon.

On motion of Mr. Lockhart the vote taken on last evening on the passage of the engrossed joint resolution of the Senate, (No. 8) relative to the State House, was re-considered.

The question then recurring on its passage,

It was put,

And was carried in the affirmative.

The House then proceeded to consider the orders of the day, and resumed the consideration of the bill (No. 269) making specific appropriations for the year 1835.

Mr. Hargrove moved to amend the same by adding the following as an additional section:

"Sec. That McClure and Wheat be allowed the sum of twenty-one dollars and seventy-five cents for new chairs furnished, old chairs repaired, &c., for the use of the present General Assembly;"

Which motion passed in the affirmative.

On motion of Mr. Crume the bill was further amended by adding the following as a section:

"Sec. That John Givan be allowed the sum of one dollar and twelve cents for two baskets for the use of the present General Assembly."

Mr. Lowe proposed the following as an additional section:

"Sec. That the sum of \$25 00 be allowed Wm. P. Bryant for prosecuting the plea of the State at an extra or special session of the Circuit Court of Clinton county;"

Which was read, when

Mr. Crume moved to amend said proposed amendment by adding thereto the following:

And that M. M. Ray be allowed \$20 for prosecuting one term at Wayne, Fayette, and Rush Circuit Courts;

Which did not prevail.

And on the question to adopt the amendments proposed by Mr. Lowe, It was decided in the negative.

Said bill was then read a third time (the rules of the House having been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

The consideration of the engrossed bill of the Senate (No. 42) in furtherance of "an act to provide a fund for the encouragement of common schools," approved Feb. 2d, 1832, was resumed, and the question recurred on the amendment proposed by Mr. Hargrove.

A division of the question being demanded;

The first branch thereof, to wit:

On striking out, was put,

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Chapman, Conwell, Crume, Gaddes, Hardesty, Hargrove, Howell, Marshall, McCalley, Nave, and Rockhill—12.

And those who voted in the negative are,

Messrs. Bell, Bennett, Bigger, Bower, Bradbury, Brett, Bryan, Carr, Carter of C., Cook, Curry, Curtis, Evans, Green, Hannaman,

Henkle, Hoagland, Howard, Johnson of M., Johnston of F., Kelso, Latshaw, Liston, Lockhart, McDougle, Mendenhall, Moore, Parks, Phelps, Ray, Schooling, Shank, Shaw, Stafford, Stanford, Storm, Strain, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Willet, Wilson of H., Wilson of V., Woodruff, Wright, and Gregory, Speaker—50.

So said 14th amendment was not stricken out.

Mr. Marshall moved to amend said bill by adding thereto, in the appropriate place, the following, viz:

"Sec. That the owner or owners, his, her, or their executors, administrators, heirs, or assigns shall be entitled, on demand made, to all the surplus money arising from the sales, provided for by this act, without interest, deducting the taxes for which the land had been sold, with the penalties and per centage thereon, and costs of suit: *Provided*, that in case the school commissioner shall have loaned out said surplus money at interest, the said demand shall be discharged by the said commissioner assigning to the person or persons, hereby entitled to the same, all lands, notes, or other securities taken for the payment of said money, or pay the money at the election of said commissioner.

And on the question, will the House adopt said amendment?

The ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bradbury, Brett, Chapman, Conwell, Crume, Curtis, Evans, Gaddes, Hardesty, Hargrove, Latshaw, Liston, Lowe, Marshall, McCalley, McDougle, McIntire, Moore, Nave, Phelps, Ray, Rockhill, Schooling, Stafford, Torbet, Wallace, Willet, Wilson of H., Wilson of P., Wilson of V., Woodruff, and Gregory, Speaker—33.

And those who voted in the negative are,

Messrs. Bell, Bennett, Bigger, Bryan, Carr, Carter of C., Cook, Curry, Green, Hannaman, Harris, Henkle, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Kelso, Lockhart, Parks, Shank, Shaw, Stanford, Storm, Strain, Thompson, Vandever, Vawter, Walker, and Wright—30.

So said amendment was adopted.

Mr. Conwell moved further to amend by adding thereto the following proviso:

"*Provided*, That no lands shall be sold under the provisions of this act for the term of two years after the taking effect of this act;"

Which motion did not prevail.

Said bill was then read a third time and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence in the amendment made thereto by the House.

The engrossed joint resolution of the Senate [No. 46] on the subject of the militia;

The bill of the Senate [No. 2] to incorporate the Lexington Steam Mill Company; and

The engrossed bill of the Senate [No. 44] in relation to the taking of depositions,

Were severally read the third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Engrossed bills &c. of the following titles, to-wit:

A bill [No. 259] to authorize the inhabitants of congressional township No. 9, Range 1 west, in Franklin county, to elect a school commissioner, and for other purposes;

A bill [No. 261] for the relief of John S. Barnes;

A bill [No. 91] to make a state road from Versailles to Rockford;

A bill [No. 268] to incorporate the Charlestown Rail Road Company;

A joint resolution [No. 115] relative to the Governor's Circle and certain lots in the town of Indianapolis,

Were severally read a third time and passed.

Ordered, That the clerk acquaint the Senate therewith and ask their concurrence.

The bill [No. 311] making general appropriations for the year 1835, was read a third time, and on the question,

Shall it pass?

The ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Bell, Bennett, Bigger, Bower, Bradbury, Brett, Bryan, Carr, Carter of C., Chapman, Conwell, Cook, Curry, Curtis, Evans, Gaddes, Hannaman, Hardesty, Harris, Henkle, Hoagland, Howard, Howell, Johnson of M., Johnston of F., Kelso, Liston, Marshall, McDougale, McIntire, Mendenhall, Parks, Phelps, Ray, Rockhill, Shank, Smith of F., Stanford, Strain, Thompson, Vawter, Wallace, Willet, Wilson of P., Wilson of V., and Gregory, Speaker—48.

And those who voted in the negative are,

Messrs. Armstrong, Green, Hargrove, Lockhart, Lowe, McCalley, Moore, Nave, Stafford, Storm, Vandever, and Wright—12.

So said bill passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

The bill [No. 212] to amend an act entitled an act to incorporate the Lawrenceburgh and Indianapolis Rail Road Company, approved Feb. 2d, 1832, was read a third time, and on the question,

Shall said bill pass?

The eyes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Bigger, Bryan, Carter of C., Chapman, Curry, Evans, Henkle, Howard, Johnson of M., Johnston of F., Kelso, Liston, McDougale,

McIntire, Shank, Shaw, Smith of F., Thompson, Torbet, Walker, Wallace, Willet, and Gregory, Speaker—23.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bower, Bradbury, Brett, Carr, Conwell, Cook, Crume, Curtis, Gaddes, Hardesty, Hargrove, Hoagland, Howell, Latshaw, Lockhart, Lowe, Marshall, McCalley, Mendenhall, Moore, Nave, Parks, Phelps, Ray, Rockhill, Schooling, Stafford, Storm, Strain, Vandever, Vawter, Wilson of H., Wilson of P., Wilson of V., Woodruff, and Wright—38.

So said bill was rejected.

The joint resolution [No. 273] for the benefit of certain French settlers in Vincennes, was read the third time; and on the question,

Shall it pass?

It was decided in the negative.

So said joint resolution was rejected.

On motion of Mr. Evans,

The committee of the whole were discharged from the further consideration of all bills heretofore committed to said committee.

Mr. Hardesty, from the committee on Enrolled bills, reported that they have compared the enrolled with the engrossed bills of the Senate entitled acts as follows, to-wit:

No. 136—An act to authorize the re-locating of the State road from Louisville, in Henry county to Middletown;

No. 135—An act to authorize a suit in behalf of the State, against the Wabash insurance company;

No. 50—A joint resolution for the benefit of the Secretary of State; And the following which originated in the House of Representatives:

No. 276—An act for the benefit of Warrick county;

No. 76—An act to amend an act entitled an act regulating the taking up of animals going estray and water crafts or other articles of value adrift, approved Feb. 9, 1831;

No. 250—An act to establish a certain state road therein named;

No. 127—An act to locate a state road from Goshen to Plymouth;

No. 278—An act supplementary to an act to authorize the President and Managers of the New-Albany School to sell certain real estate, approved Jan. 26, 1835;

No. 95—An act to legalize the proceedings of the commissioners on a certain state road therein named;

No. 133—An act to establish a state road from Delphi via Camden to the Michigan Road;

No. 99—An act to amend an act entitled an act to regulate the mode of doing county business in the several counties in this state, approved Jan. 19, 1831;

No. 266—An act to locate a certain state road therein named;

No. 118—An act to establish a state road from Alexander Cox's in Morgan county, to Indianapolis;

No. 105—An act to change a state road in Posey county;

No. 106—An act for the relief of purchasers of Michigan Road and Canal lands;

And find them truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

On motion of Mr. Brett,

The previous orders of the day were suspended, and the bill [No. 225] to amend the act entitled an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 10, 1831, was read the second time, when

Mr. Kelso moved to amend said bill by inserting the words "except those founded upon torts," after the words "justice of the peace," where it occurs therein;

Which motion was decided in the negative.

Said bill was then read a third time, and on the question,

Shall it pass?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bigger, Bradbury, Brett, Carter of C., Conwell, Cook, Crume, Curtis, Gaddes, Green, Hannaman, Hardesty, Hargrove, Harris, Henkle, Hoagland, Howell, Johnson of M., Johnston of F., Latshaw, Liston, Lockhart, Lowe, Marshall, McCalley, McDougle, McIntire, Moore, Parks, Phelps, Ray, Rockhill, Schooling, Shank, Shaw, Smith of F., Stafford, Stanford, Strain, Thompson, Vandever, Vawter, Walker, Wallace, Willet, Wilson of H., Wilson of P., and Woodruff—48.

And those who voted in the negative are,

Messrs. Armstrong, Bell, Bower, Bryan, Carr, Chapman, Curry, Evans, Kelso, Nave, Torbet, and Gregory, speaker—12.

So said bill passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

On motion of Mr. Crume, the joint memorial of the General Assembly of the State of Indiana, relative to the payment of revolutionary pensioners heretofore laid on the table, was taken up, and placed on the files of the second reading.

The bill (No. 80) to amend an act entitled "an act allowing and regulating the writ of *ad quod damnum*," approved, Dec. 20, 1823,

Was read a third time; and

On the question, shall it pass?

And the ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Bell, Bigger, Bradbury, Bryan, Carter of C., Chapman, Conwell, Crume, Curry, Curtis, Evans, Hannaman, Harris, Henkle,

Hoagland, Johnston of F., Latshaw, Liston, Lockhart, Lowe, Marshall, McDougle, McIntire, Mendenhall, Moore, Parks, Ray, Rockhill, Schooling, Shank, Shaw, Stanford, Thompson, Torbet, and Wallace--35.

And those who voted in the negative are,

Messrs. Armstrong, Bower, Cook, Gaddes, Green, Hardesty, Johnson of M., McCalley, Nave, Phelps, Strain, Vandever, Vawter, Willet, Wilson H., Wilson of P., Wilson of V., and Gregory, Speaker--18.

And so said bill passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

And then the House adjourned until half past 1 o'clock P. M.

Half past 1 o'clock P. M.

The House met pursuant to adjournment.

Mr. Wilson of P., on leave, made the following report:

The select committee to whom was referred the petition of Samuel R. Hamilton and others, and a bill accompanying the same, declaring Big Raccoon a public highway, from its junction with the Wabash as high up the same to Grimes' & Fidler's mills in Putnam county, have had the same under consideration, and have directed me to report the same without amendment;

Which was read, and

On motion,

Ordered, That the bill (No. 252) accompanying said report, do lie on the table.

Mr. Hannaman, on leave, made the following report:

The select committee to whom was referred a bill (No. 147) to legalize the proceedings of the Commissioner of a certain state road therein named, and for other purposes, have directed me to report the same with an amendment;

Which was read and the amendment concurred in.

The bill (No. 147) as amended, accompanying said report, was then, (after a suspension of the rules of the House) read a third time and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

Mr. Hardesty, from the committee on enrolled bills, reported that they have compared the enrolled with the engrossed bill entitled an act as follows, to wit:

No. 37--An act for the promotion of schools in, and for the sale of school lands belonging to the Vincennes donation tract, which originated in the House of Representatives, and find the same truly enrolled;

Whereupon the Speaker signed said bill.

Ordered, That the Clerk carry it to the Senate for the signature of their President.

Mr. Stanford, on leave, presented a bill [No. 313] for the better regulation of district schools in the counties of Henry and Wayne;

Which was read the first and second time (the rules of the House being dispensed with,) and,

On motion, the counties of Orange, Bartholomew, Vermillion, Parke, and Fountain, were inserted in said bill, after the counties of Henry and Wayne.

Said bill was then read the third time and passed.

The title of said bill was amended, by striking out "Wayne county," and inserting, "other counties," in lieu thereof.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

On motion of Mr. Hargrove,

Mr. Brackenridge had leave of absence granted for the remainder of the session of the General Assembly.

Mr. Bryan after having obtained leave, offered for adoption the following resolution:

Which was read and unanimously adopted, to wit:

Resolved, That the thanks of this House be tendered to the Hon. James Gregory, for the manner in which he has discharged the duties of Speaker, during the present session of the General Assembly.

Mr. Vawter, after having obtained leave, made the following report:

The committee on roads, to which was referred two several reports, made to this House, by the commissioner of the Michigan road, and Michigan road fund, have according to order had the same under consideration. The committee, on examination and investigation of the several matters and things contained in said reports—did direct their attention to the law made for the government of said commissioner, and have been unable to find any law that authorizes the commissioner, to engage one or more individuals to aid him in the character of superintendents of said road. It is apparent, from the showing of the commissioner *himself*, in his report, that the commissioner has paid away \$954 of said fund—\$372 of which was paid to Daniel Kelso, Esq.; the remainder, \$582, was paid to Horace Bassett, Esq., as superintendents of said road;—and as a part of the committee entertain doubts as to the authority vested in the commissioner, to appropriate money for such purposes, the committee have, therefore directed me to offer for adoption the following resolution:

Resolved, That so much of the report of said commissioner, as relates to the payments made to Daniel Kelso, Esq. and Horace Bassett, Esq., superintendents on said road, under appointment of said commissioner, are disapproved;

Which was read and said resolution adopted by the House.

On motion of Mr. Smith of F.,

The several orders of the day, which precede the bill (No. 280) supplementary to the act establishing a State bank, approved Jan. 28, 1834;

Were for the present postponed—

And the House proceeded to consider the same.

Said bill was then read a second time; and,

On motion of Mr. Bigger,

Amended, by adding the following, as an additional section:

Sec. That neither of the branches of said bank shall purchase or receive on deposit or in payment of debts, the notes or bills of any other of said branches, at a less amount than the sum for which the same may be drawn or payable.

Said bill was then read a third time,

And on the question, shall it pass?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bell, Bigger, Brackenridge, Brett, Carr, Carter of C., Chapman, Corwell, Cook, Curry, Evans, Green, Hannaman, Harris, Henkle, Howell, Johnson of M., Leslie, Liston, Marshall, M'Intire, Parks, Ray, Rockhill, Smith of F., Stanford, Thompson, Torbet, Vawter, Walker, Wallace, Willet, Wilson of H., Wilson of V., Woodruff, and Gregory, speaker—36.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bower, Bradbury, Bryan, Crume, Curtis, Hardesty, Hargrove, Hoagland, Johnston of F., Latshaw, Lockhart, Lowe, McCalley, McDougle, Moore, Nave, Phelps, Schooling, Shank, Shaw, Storm, Strain, Vandever, Wilson of P. and Wright—27.

So said bill passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

On motion of Mr. Shaw,

Mr. Latshaw had leave of absence from the service of the House during the remainder of the session, from and after Saturday evening next.

On motion of Mr. Bigger,

The following message heretofore received from the Senate, by Mr. Morris, their Secretary:

And laid on the table, was taken up.

MR. SPEAKER—

I am instructed by the Senate to inform the House of Representatives, that they have made the following amendments to the joint rules adopted for the government of the present General Assembly, viz:

1st Amendment—Add as joint rule No. 11, the following:

11. When a message shall be sent to the House of Representatives it shall be announced at the door of the House by the door-keeper, and shall be respectfully communicated to the chair by the person by whom it may be sent.

2d Amendment. 12. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Senate.

3d Amendment. 13. No bill that shall have passed one House shall be sent for concurrence to the other on the last day of the session.

Mr. Wallace moved to lay said message on the table;

Which motion was decided in the negative.

Mr. Bell moved to postpone the further consideration of said message indefinitely;

And the ayes and noes being requested thereon by two members:

Those who voted in the affirmative are,

Messrs. Bell, Brett, Bryan, Carr, Carter of C., Conwell, Cook, Curry, Evans, Green, Hannaman, Howard, Leslie, Liston, Lockhart, Lowe, Marshall, M'Dougle, McIntire, Moore, Parks, Phelps, Rockhill, Shank, Shaw, Stanford, Storm, Strain, Thompson, Torbet, Vandever, Vawter, Walker, Wallace, Willet, Wilson of H., Woodruff, and Gregory, Speaker—38.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bigger, Bower, Brackenridge, Bradbury, Chapman, Crume, Curtis, Hardesty, Hargrove, Hoagland, Howell, Johnson of M., Johnston of F., M'Calley, Nave, Ray, Schooling, Smith of F., Wilson of P., Wilson of V., and Wright—23.

So said message was indefinitely postponed.

On motion, Messrs. Shaw and Hardesty had leave of absence from the services of the House for the remainder of the session, from and after Saturday evening next.

Mr. Crume also had leave of absence from to-morrow morning for and during the remainder of the session.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate has passed bills of the Senate entitled as follows:

No. 138—An act explanatory of the act to locate and establish a state road from Greensburgh to the falls of the Ohio river, approved Feb. 1, 1834;

No. 153—A joint resolution relative to the 3 per cent. fund;

No. 154—An act to authorize the sale of certain real estate of Joseph Swank deceased by the probate court of Montgomery county, under certain restrictions; and

No. 155—An act supplemental to an act to provide for the further prosecution of the Wabash and Erie canal, and for other purposes.

They have passed engrossed bills of the House entitled as follows:

No. 141—An act to amend an act entitled an act to provide for the election of county and township officers, approved Jan. 31, 1831;

No. 152—An act to incorporate the Western Literary Society in the county of Montgomery;

No. 171—An act for the encouragement of Agriculture;

No. 175—An act to locate a state road from the county seat of Miami county to the town of Rochester on the Michigan Road;

No. 175—A joint resolution for the relief of the Canal Commissioners;

No. 181—An act to incorporate the Frankfort, Delphi, and Michigan Rail Road and Turnpike Company;

No. 184—An act to appropriate a part of the three per cent. fund in Monroe county;

No. 185—An act to re-locate a part of the state road leading from Lafayette to Michigan City;

No. 291—An act to re-locate a certain state road in the counties of Hancock and Henry;

No. 292—A memorial and joint resolution to Congress on the subject of a canal down the valley of White river;

No. 294—A joint resolution relative to the State Library;

No. 297—An act to amend an act entitled an act to incorporate the town of Madison, approved Feb. 4, 1831;

All without amendment.

Also bills, &c. of the House entitled as follows, with amendments:

No. 81—An act to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 10, 1831;

No. 154—An act to incorporate the Logansport and Wabash Bridge Company;

No. 207—An act to incorporate the Turkey Plain Manufacturing Company;

No. 191—An act amend the several acts regulating the jurisdiction and duties of justices of the peace in the counties therein named;

No. 208—An act to declare a certain county road therein named a state road; and

No. 299—An act to amend an act declaring certain streams therein named public highways, and for other purposes, approved Feb. 10, 1831;

In which bills of the Senate, and to the amendments proposed to the bills of the House, the concurrence of the House of Representatives is requested.

The bills, &c. of the Senate [Nos. 138, 153, and 154] named in said message, were severally three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That the Clerk inform the Senate thereof.

The bill of the Senate (No. 155) named in said message;

Was twice read (the rules of the House being dispensed with,) when

Mr. Wawter moved to amend said bill by making Vernon a point in said route.

And before the question was had thereon;

On motion Mr. Bigger,

Said bill and proposed amendment were indefinitely postponed.

The House concurred in the several amendments of the Senate to bills of the House (Nos. 81, 154, 207, 208, and 299,) named in said message.

The House concurred in the four first amendments made by the Senate to the bill of the House (No. 191) named in said message, and disagreed to the residue of the amendments made by the Senate to said bill.

Ordered, That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Morris their Secretary.

MR. SPEAKER—

The Senate concur in the amendments proposed by the House to the engrossed bill of the Senate [No. 58] entitled an act declaring a certain road therein named a state road.

The Senate concur in the amendment proposed by the House to the engrossed bill of the Senate [No. 60] entitled an act to amend an act to organize probate courts and defining the powers and duties of executors, administrators, and guardians, approved Feb. 10, 1831, with two amendments, in which the concurrence of the House of Representatives is requested.

The House concurred in the several amendments of the Senate made to the amendments of the House to the bill of the Senate [No. 60] named in said message.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Evans,

The several orders of the day which precede the engrossed bill of the Senate [No. 112] to abolish imprisonment for debt in case of females, were for the present postponed.

Said bill was then read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Hannaman,

The several orders of the day preceding the bill [No. 214] to attach part of town 19 N. of range, 4 E. to town 19 N. of range, 5 E. and for other purposes, were for the present postponed, and the House proceeded to consider the same.

Said bill was then read the second and third times, (the rules of the House having been dispensed with,) and passed.

Ordered, That it be entitled an act, and that the Clerk inform the Senate thereof and ask their concurrence.

The bill [No. 257] amendatory of the law, regulating the practice in suits at law and for other purposes,

Was read the third time and passed.

Ordered, That it be entitled an act and that the Clerk carry it to the Senate and ask their concurrence.

A message from the Senate, by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate has passed engrossed bills of the Senate entitled acts as follows, to wit:

No. 86—An act to incorporate the White river bridge company; and

No. 95—An act for the benefit of James Smith commissioner of seminary township of lands in Gibson county;

Also bills of the House of Representatives entitled as follows, to wit:

No. 161.—An act entitled an act regulating the practice in suits at law, approved Jan. 29, 1831.

No. 209.—An act to locate a state road from Goshen in Elkhart county to Richmond in Wayne county.

No. 243—An act to authorize the redemption of land returned to school commissioner in certain cases, for the non payment of taxes in Jefferson county and for other purposes:

No. 265—An act to revive and continue in force a part of a certain act therein named;

No. 300—An act to incorporate the Michigan city and Kankakee rail road company;

No. 302—An act supplemental to an act entitled an act for the further prosecution of the Wabash and Erie Canal and for other purposes;

Which passed the present session of the Legislature, and

No. 312—An act supplemental to an act passed during the present session of the General Assembly to provide for an equitable mode of levying the taxes in this State.

In which bills of the Senate and the amendments proposed to bills of the House (Nos. 161, 209, 243, and 302) the concurrence of the House of Representatives is requested.

The first amendment made by the Senate to the bill of the House (No. 302) named in said message was read and concurred in.

The second amendment was read, and

On motion of Mr. Bell,

Amended so as to make said survey enter the Wabash valley either above or below Muncietown, and pass as near Muncietown as practicable.

Said second amendment of the Senate to said bill was,

On motion Mr. Evans,

Further amended by striking out the words "inexpedient or" where they occur in connexion with the words "inexpedent or impracticable" in said amendment of the Senate.

Said amendment of the Senate, as amended was then concurred in by the House.

Ordered, That the Clerk inform the Senate thereof and ask their concurrence in the amendments made by the House.

Before proceeding further in the consideration of said message,

The House adjourned until to-morrow morning at 8 o'clock.

FRIDAY MORNING, FEB. 6, 1835.

The House met pursuant to adjournment.

Mr. Vawter made the following report;

Which was read and concurred in by the House, and the committee discharged from the further consideration thereof.

The Committee on Roads, to which was referred the petition of Jabez H. Moor and others, praying an act of the Legislature authorizing the laying out a State Road, commencing on the line of sections 14 and 15, township 22, north of range 9 east, thence to Greenfield on the National Road, have according to order, had the same under consideration,

and the committee have directed me to report that legislation on that subject, at this time, is inexpedient and ask to be discharged from the further consideration of the same.

Mr. Vawter made the following additional report:

The Committee, on Roads, to which was referred the petition of J. H. Kintner and others, praying a change in the location of the Michigan Road south of Logansport, have, according to order, had the same under consideration, and the committee have directed me to report that legislation, at this time, on that subject is inexpedient, and the committee ask to be discharged from the further consideration of all further labor on the subject of roads;

Which was read and concurred in, and the committee discharged.

On motion of Mr. Phelps,

The bill (No. 239) to incorporate the town of Levenworth,

Was taken up, and read a second and third times (the rules of the House having been first dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk inform the Senate thereof, and ask their concurrence.

Mr. Vawter presented the petition of Frederick Kiser and others, on the subject of a State Road;

Which was laid upon the table.

Mr. Howell presented the remonstrance of Samuel Anderson and others, citizens of Perry county, against a change in the mode of doing county business in said county;

Which was laid upon the table.

Mr. Phelps presented a communication from John Gum and others, on the subject of attaching a part of the county of Harrison to the county of Crawford;

Which was read and laid on the table.

Mr. Ray made the following report:

The Committee on the Judiciary, to which was referred several resolutions of this House, directing an inquiry into the constitutionality of the act concerning negroes and mulattoes, and also directing them to inquire into the expediency of giving justices of the peace power to summons such negroes and mulattoes, and under said act to try them, and take forfeitures of recognizance and judgment by default before the overseers of the poor shall hire them out under said act—have had these several subjects under consideration, and have directed me to report that in their opinion, if said act is operative at all, some of the provisions of said act are incompatible with the spirit, true intent and meaning of our constitution, and that the 1st, 2d, 3d, and 4th sections of said act are no less oppressive than unjust and that the same ought to be repealed, and for this purpose have directed me to report a bill repealing said section of said act, entitled

A bill (No. 314) to amend an act entitled an act concerning free negroes, mulattoes, servants and slaves, approved Feb. 10th, 1831;

Which was twice read (the rules of the House having been dispensed with) and

On motion,

Ordered, That it do lie on the table.

Mr. Willet, on leave, presented a bill (No. 315) to amend the act entitled "an act to establish a State Library," approved Feb. 10th, 1831; Which was twice read (the rules of the House having first been dispensed with.)

Mr. Bryan moved to strike out the 6th section, which provides for an appropriation of \$250 for the increase of the State Library;

Which motion passed in the affirmative.

On motion of Mr. Wilson of P. said bill was further amended by striking out that part thereof which provides for \$100 compensation to the Secretary of State for his services as librarian.

Mr. Vandever moved that the further consideration thereof be indefinitely postponed;

Which motion was decided in the negative.

Said bill was then,

On motion of Mr. Bryan,

Committed to a select committee.

Ordered, That Messrs. Willet and Stanford be that committee.

Mr. Willet, from a select committee on that subject, reported

A joint resolution (No. 315) to Congress in favor of National Hospitals;

Which was three times read (the rules having been dispensed with) and passed.

Ordered, That the Clerk carry it to the Senate and ask their concurrence.

The House then proceeded to consider the orders of the day.

The bill of the Senate (No. 260) to amend an act entitled "an act to organize and regulate the militia of the State of Indiana,

Was read the second time, and,

On motion of Mr. Bryan,

Ordered, That said bill do lie on the table.

The bill (No. 62) to amend an act entitled "an act for the encouragement of education," approved Feb. 2, 1833,

Was read the second time, when Mr. McDougale moved to lay the same on the table;

Which motion did not prevail.

Said bill was then read the third time (the rules of the House having been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk inform the Senate thereof and ask their concurrence.

The bill (No. 144) to amend an act entitled "an act for the relief of insolvent debtors," approved Feb. 9, 1831, and to abolish imprisonment for debt,

Was read a second time, when

Mr. Vandever moved to indefinitely postpone the further consideration thereof;

Which motion did not prevail.

Said bill was then,

On motion of Mr. Crume,

Laid upon the table,

The bill (No. 164) concerning witnesses' fees in criminal cases, where the State fails in her prosecution,

Was read the second and third times (the rules of the House having been dispensed with;)

And on the question,

Shall it pass?

The ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bower, Crume, Curry, Curtis, Gaddes, Green, Henkle, Howard, Howell, McCalley, McDougle, McIntire, Nave, Phelps, Schooling, Stanford, Storm, Strain, Walker, Willet, Wilson of H., and Gregory, Speaker—23.

And those who voted in the negative are,

Messrs. Bell, Bennett, Bryan, Carr, Carter of C., Cook, Hardesty, Hargrove, Harris, Hoagland, Johnson of M., Johnston of F., Latshaw, Leslie, Liston, Lockhart, Lowe, Marshall, Moore, Parks, Ray, Rockhill, Shank, Stafford, Thompson, Vandever, Vawter, Wallace, Wilson of P., and Wilson of V.—30.

And so said bill was rejected.

The bill (No. 36) to amend an act entitled "an act concerning vagrants," approved Jan. 22, 1818,

Was read the second time, and

On motion of Mr. Crume, indefinitely postponed.

Engrossed bills of the Senate of the following titles, to wit:

A bill [No. 32] to amend an act entitled "an act concerning Clerks," approved Feb. 1st, 1834, and

A bill [No. 144] to re-locate a part of the state road from Greencastle in Putnam county to Carlisle in Sullivan county;

Were severally read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

The bill of the House (172) to amend an act entitled an act to regulate the mode of doing county business in the several counties of this state, approved Jan. 19, 1831;

Was read the second time and,

On motion of Mr. Ray, the further consideration thereof was indefinitely postponed.

The joint resolution [No. 228] relative to the payment of Revolutionary pensions;

Was read the second and third times, the rules of the House being dispensed with, and passed,

Ordered, That the Clerk carry it to the Senate and ask their concurrence.

The bill (No. 206) to establish a state road from Lima to Huntingdon;

Was read the second time, and

On motion of Mr. Bryan, amended by striking out so much as relates to the publication of said act in the Indiana Democrat.

Said bill, after a suspension of the rules of the House, was read a third time and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

The bill (No. 17) to provide for opening and repairing public roads and highways in the several counties in this state;

Was taken up, and

The question recurred on concurrence in the report of the select committee, made January the 10th, 1835.

Mr. Crume moved that said bill and proposed amendment be indefinitely postponed;

Which motion did not prevail; when

On motion of Mr. Stanford,

Ordered, That the same do lie on the table.

On motion of Mr. Wallace, the bill [No. 82] to amend an act entitled "an act to regulate the mode of doing county business in the several counties in this state," heretofore laid upon the table, was taken up and read a second time, and

On motion, amended by confining the provisions thereof, to the counties of Jefferson, Jennings, Washington, Harrison, Parke, Owen, Posey, Orange, Putnam, Spencer, Allen, Bartholomew, Marion, Vigo, and Gibson.

Said bill was then, after a suspension of the rules, read a third time and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

The bill (No. 215) to amend the act entitled "an act regulating the fees and salaries of the several officers therein named," approved Feb. 7th, 1831, also approved Feb. 1st, 1834;

Was read a second time, when

Mr. Bigger moved that the further consideration thereof be indefinitely postponed,

And the ayes and noes being requested by two members;

Those who voted in the affirmative are,

Messrs. Bell, Bigger, Bradbury, Bryan, Carr, Carter of C., Curtis, Hannaman, Hardesty, Harris, Hoagland, Johnson of M., Johnston of F., Latshaw, Leslie, Liston, Lockhart, Moore, Parks, Ray, Shank, Smith of F., Stafford, Thompson, Vandever, Vawter, Wallace, and Wilson of P.—28.

And those who voted in the negative are,

Messrs. Armstrong, Bower, Cook, Crume, Gaddes, Green, Hargrove, Henkle, Howard, Howell, Lowe, McDougale, McIntire, Nave, Phelps, Rockhill, Schooling, Shaw, Stanford, Storm, Strain, Torbet, Walker, Willet, Wilson of H., Wilson of V., and Gregory, Speaker—27.

And so said bill was indefinitely postponed.

Mr. Leslie from the joint committee on enrolled bills reported, that they have compared the enrolled with the engrossed bills of the House, of the following titles, to wit:

No. 114—An act to amend an act entitled an act incorporating congressional townships, and providing for public schools therein, approved Feb. 2d, 1833;

No. 73—An act to amend an act entitled an act to re-locate a part of the state road from Levenworth to Paoli, approved Feb. 1st, 1834, and likewise to amend an act to establish a state road from Rome in Perry county to Paoli in Orange county, approved Feb. 1st, 1834;

No. 167—An act to locate a state road commencing in Sullivan county, thence through the counties of Vigo, Clay, Parke, and Montgomery;

No. 283—An act legalizing the election of the board of trustees of the town of Logansport;

No. 288—An act to amend an act entitled an act for the relief of the poor, approved Feb. 10, 1831;

No. 292—An act to amend an act entitled an act to locate certain state roads therein named, approved Feb. 1, 1834;

No. 229—An act to incorporate the Leesville Steam Mill Company;

No. 274—An act to change the name of Hannah Nash to Hannah Hardin;

No. 240—An act to amend an act entitled "an act to locate a state road from Greencastle in Putnam county, to Carlisle in Sullivan county, by the way of Manhattan in Putnam county and Bowlinggreen and New Brunswick in Clay county;

No. 136—An act to locate a state road from Rockport to the head of French Island;

No. 148—An act to establish a state road from Connersville to St. Omer and Columbus;

No. 196—An act to amend an act entitled an act to amend the act entitled an act to incorporate the Franklin County Seminary, approved February 3d, 1832;

No. 84—An act authorizing the laying off into seminary districts, the county of Orange, and for other purposes;

No. 142—An act to amend an act entitled "an act to incorporate the South Bend Bridge Company," approved February 2d, 1833;

No. 223—An act to establish the name of Jefferson Nelson Redman and family;

No. 277—An act to locate a state road in Perry and Vanderburgh counties;

No. 263—An act to provide for the expenditure of part of the three per cent. fund appropriated to Shelby and Rush counties, and for other purposes;

No. 235—An act supplemental to an act to extend the provisions of an act therein named, to Marion county;

No. 258—An act authorizing the School Commissioners of Lawrence county to re-value and sell the W. half of N. E. quarter of section 16, in town 6, north of range 1 east;

No. 65—An act to amend an act entitled, "an act to provide for draining the swamps, ponds, marshes, and other low lands within the counties of Tippecanoe, Montgomery, Clinton and Warren. Also,

No. 52—A joint resolution on the subject of exchanging books with the several States;

And acts of the Senate of the following titles (to wit:)

No. 142—An act to incorporate the Montezuma Steam Mill Company;

No. 58—An act declaring a certain road therein named, a State road, and for other purposes;

No. 38—An act to amend an act to regulate marriages, approved February 4, 1831; also

No. 145—A memorial and joint resolution for the benefit of Madison Collins,

And find the same truly enrolled.

Whereupon the Speaker signed said bills, &c.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

Mr. Willet, from a select committee to which had been referred the bill (No. 314) to amend the act to establish a State Library, approved February 10th, 1831, reported the same without amendment.

Mr. Willet, then proposed the following amendment to said bill, to be inserted in the appropriate place:

"That such reasonable allowance for any labour and duties that may be required by this act, shall be paid upon the certificate of the Governor, not exceeding dollars."

Mr. Green moved to fill the blank in said proposed amendment, with the words "\$100.

Mr. Storm proposed \$ 50.

And on the question to fill the said blank with the sum of \$ 100;

It was decided in the negative.

And the House also refused to fill said blank with the sum of \$50.

And on motion of Mr. Moore,

Ordered, That said bill and the report thereon, together with the proposed amendment, be laid upon the table.

A message from the Senate, by Mr. Dumont, a member:

Mr. SPEAKER—

The Senate disagree to the amendment of the House to an engrossed bill of the Senate (No. 42) entitled, an act in furtherance of an act to provide a fund for the encouragement of common schools, approved February 2d, 1832.

Mr. Vawter moved that the House recede from its amendment to the bill of the Senate named in said message,

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bell, Bigger, Bower, Bryan, Carr, Carter of C., Green, Hannaman, Harris, Henkle, Hoagland, Howard, Johnson of M., Johnston of F., Leslie, Liston, Lockhart, Lowe, Parks, Schooling, Shank, Shaw, Stanford, Storm, Strain, Thompson, Torbet, Vandever, Vawter, Walker, Willet, Wilson of P., Wilson of V.,—33.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bradbury, Cook, Crume, Curry, Curtis, Gaddes, Hardesty, Hargrove, Howell, Latshaw, M'Caley, McDougale, McIntire, Moore, Nave, Phelps, Ray, Rockhill, Smith of F., Stafford, Wallace, Wilson of H., and Gregory, Speaker—25.

So the House receded from its said amendment.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Senate on yesterday, by Mr. Morris, their Secretary:

MR. SPEAKER,

The Senate has passed an engrossed bill of the Senate [No. 152] entitled an act to amend the several acts regulating the jurisdiction and duties of justices of the peace, in the counties of Perry and Crawford.

In which the concurrence of the House of Representatives is requested.

The bill [No. 152] mentioned in said message,

Was read the first and second times, (the rules of the House having been dispensed with,) and,

On motion of Mr. Phelps,

The same was amended by exempting the county of Crawford from the provisions thereof.

Said bill was then read a third time and passed.

The title of said bill was,

On motion of Mr. Howell,

Amended by striking out therefrom, "the county of Crawford."

Ordered, That the clerk inform the Senate thereof, and ask their concurrence in the amendments made by the House to the same.

The House then resumed the consideration of the message received from the Senate on yesterday, and pending when the House adjourned last evening.

The engrossed bill of the Senate [No. 86] named in said message, to incorporate the White river bridge company,

Was twice read, (the rules of the House having been dispensed with) and,

On motion of Mr. Johnson of M.,

Amended, by striking out "twelve and a half cents," the toll for the passage of man and horse over said contemplated bridge, and inserting "six and a quarter," in lieu thereof.

Said bill, after a further suspension of the rule, was read a third time and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence in the amendments made to said bill by the House.

The engrossed bill of the Senate [No. 95] named in said message,

Was twice read (the rules of the House having first been dispensed with,) when

Mr. Moore moved to amend the same, by striking out the word "heretofore," where it occurs therein.

Which motion was decided in the negative.

And before any further action was had thereon,

The House adjourned until half past one o'clock, P. M.

Half past one o'clock, P. M.

The House met pursuant to adjournment.

And resumed the consideration of the message of the Senate, pending at the last adjournment.

The bill (No. 95) under consideration when the House adjourned, was read the third time and passed.

Ordered, That the clerk inform the Senate thereof.

The House disagreed to the several amendments made by the Senate to the bill [No. 161] named in said message.

Ordered, That the Clerk inform the Senate thereof.

The further consideration of said message, was, on motion, for the present suspended; and

The bill [No. 187] to amend an act entitled an act to encourage the killing of wolves, approved Feb. 10, 1831,

Was read the third time, and, on the question, shall it pass?

The ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Bell, Bigger, Carr, Chapman, Green, Hannaman, Hargrove, Harris, Herkle, Hoagland, Johnson of M., Latshaw, Leslie, Lowe, McIntire, Moore, Rockhill, Schooling, Shaw, Storm, Thompson, Torbet, Vandever, Walker, Willet, Wilson of H., Wilson of P., Wilson of V., and Gregory, Speaker—29.

And those who voted in the negative are,

Messrs. Armstrong, Bennett, Bradbury, Bryan, Cook, Crume, Curry, Curtis, Gaddes, Hardesty, Howard, Johnston of F., Liston, Lockhart, McCalley, McDougale, Nave, Parks, Phelps, Ray, Stanford, Strain, Vawter, and Wallace—24.

So said bill passed.

Ordered, That said bill be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence therein.

Mr. Bigger, from a select committee to which were referred several petitions on that subject, reported

A bill [No. 316] amendatory of the several acts concerning Indiana College;

Which was twice read (the rules of the House having first been dispensed with) when

Mr. Crume moved to amend the same by striking out "four" where it occurs, and inserting "three" in lieu thereof.

A division of the question being called, the first branch thereof, to-wit: on striking out—was put,

And passed in the affirmative.

The question being then taken on inserting "three,"

It passed in the affirmative.

Said bill was then read a third time and passed.

Ordered, That it be entitled an act, and that the Clerk carry the same to the Senate and ask their concurrence.

The engrossed bill [No. 301] to amend an act entitled an act to amend an act entitled an act incorporating congressional townships and providing for public schools therein, approved February 1, 1834, was read the third time;

And on the question, shall said bill pass?

It was decided in the negative.

So said bill was rejected.

The House then proceeded to consider bills on their second readings.

The bill [No. 213] to re-locate the state road from Logansport to Pigeon Prairie in Michigan Territory;

Was read the second time, and,

On motion of Mr. Chapman, amended by adding thereto the following as an additional section, to wit:

"Sec. That the sum of one hundred dollars of the three per cent. fund, appropriated to the county of Elkhart by an act entitled an act to provide for the navigation of the Wabash river, approved February 1, 1834, be applied to the opening of so much of the state road leading from Goshen to Logansport as lies between township line 34 north, and the west line of Kosciusko county; which shall be drawn for as other moneys are drawn, and applied by said road commissioner of said county."

Said bill was then read the third time and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The bill [No. 219] to empower the board of commissioners of Vanderburgh county to convey certain property therein named, was read the second and third times (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The bill to authorize the re-location of the state road from Marion in Grant county, to Wabash in Wabash county, was read the second and third times (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The bill [No. 231] to establish a state road from Lafayette to intersect the state road leading from Lafayette to Chicago at the Sugar creek Grove, was read the second and third times (the rules of the House having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

The engrossed bill of the Senate [No. 72] to amend an act entitled an act to organize and regulate the militia, approved Feb. 10, 1831, was read the second time, and,

On motion of Mr. Wallace laid on the table.

The engrossed bill of the Senate [No. 73] to amend an act to pro-

vide for electing county and township officers, approved January 30, 1831, was read the second time and laid on the table.

The engrossed bill of the Senate [No. 77] giving to treasurer's receipts the same validity as licenses, was read the second and third times (the rules of the House having first been dispensed with.)

The question was then put, shall said bill pass?

The ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Crume, Johnson of M., Lockhart, Torbet, Vandever, and Wallace,—6.

And those who voted in the negative are,

Messrs. Armstrong, Bell, Bennett, Bigger, Bower, Bryan, Carr, Carter of C., Chapman, Cook, Curry, Curtis, Gaddes, Green, Hannaman, Hardesty, Hargrove, Harris, Henkle, Hoagland, Howard, Howell, Johnston of F., Latshaw, Leslie, Liston, Lowe, M'Calley, McDougle, McIntire, Moore, Nave, Parks, Phelps, Ray, Rockhill, Shaw, Stafford, Stanford, Storm, Strain, Thompson, Vawter, Walker, Willet, Wilson of H., Wilson of V., and Gregory, Speaker—48.

So said bill was rejected.

The engrossed bill of the Senate to amend an act to regulate the mode of doing county business in the several counties in this State, approved January 19, 1831,

Was read a second time, when

Mr. Storm moved to postpone indefinitely the further consideration thereof;

Which motion did not prevail.

The House resolved itself into a committee of the whole on said bill, and after some time spent therein the Speaker resumed the chair, and Mr. Storm reported the same without amendment.

On motion of Mr. Hargrove, said bill was amended by striking out the word "constables."

Ordered, That said amendment be engrossed and the bill read a 3d time to-morrow.

The engrossed bill of the Senate (No. 82) to regulate the Marion County Seminary,

Was read the second and third times (the rules of the House having first been dispensed with) and passed.

Ordered, That the Clerk inform the Senate thereof.

The engrossed bill of the Senate (No. 102) extending the time of final payment of the seminary lands, and for other purposes,

Was read the second time.

Mr. Wallace moved to lay the same on the table;

Which motion was decided in the negative.

Said bill was then read the third time, and

On the question, Shall said bill pass?

The ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Bennett, Bigger, Carr, Carter of C., Crume, Curry, Green, Hargrove, Harris, Henkle, Howard, Hoagland, Johnston of F., Latshaw, Lockhart, Lowe, McIntire, Moore, Parks, Phelps, Rockhill, Schooling, Shaw, Storm, Strain, Thompson, Vandever, Wilson of H., Wilson of V., and Gregory, Speaker—30.

And those who voted in the negative are,

Messrs. Armstrong, Bell, Bower, Bryan, Chapman, Cook, Curtis, Gaddes, Hannaman, Hardesty, Hoagland, Johnson of M., Liston, McCalley, Nave, Ray, Stafford, Stanford, Vawter, Walker, Wallace, Willet, and Wilson of P.,—23.

So said bill passed.

Ordered, That the Clerk inform the Senate thereof.

The joint memorial and resolutions (No. 247) asking a grant of lands from the United States for certain purposes,

Was read the second and third times by consent, and passed.

Ordered, That the Clerk carry it to the Senate and ask their concurrence.

The House resumed the consideration of the bill (No. 249) to provide for a survey and estimate of the cost of a continuation of the Wabash and Erie canal.

Said bill was then read the second time, and

Ordered, That the same do lie on the table.

The engrossed joint resolution of the Senate (No. 118) authorizing a subscription to Morris' map of Indiana,

Was read the second time and passed to a third reading on to-morrow.

The engrossed bill of the Senate (No. 125) to amend the act entitled "an act allowing and regulating the writ of *ad quod damnum*."

Was read the second time and laid on the table.

The engrossed bill of the Senate (No. 148) authorizing the location of a state road, &c.,

Was read the second time, and

On motion of Mr. Carter of C., indefinitely postponed.

The House again resumed the consideration of the last named message from the Senate.

The several amendments of the Senate to the bills of the House (Nos. 209 and 243) named in said message, were severally read and concurred in by the House.

Ordered, That the Clerk inform the Senate thereof.

A Message from the Senate, by Mr. Morris their Secretary:

Mr. SPEAKER—

The Senate adhere to their amendments to the bill of the House (No.

139) entitled, "an act to organize the county of Kosciusko."

They insist on their amendments proposed to the bill of the House (No. 253) entitled "an act to provide for the improvement of the navigation of the Wabash river," approved February 1, 1834.

They concur in the amendments proposed by the House to the bill of the Senate (No. 152) entitled "an act to improve the navigation of the Mississineway river.

On motion of Mr. Chapman, the House receded from its amendment to the bill of the Senate (No. 139) named in said message.

Ordered, That the Clerk inform the Senate thereof.

The bill (No. 253) named in said message, was read twice (the rules of the House having been dispensed with) and laid upon the table.

A Message from the Senate, by Mr. Morris their Secretary:

MR. SPEAKER—

The Senate has passed bills of the House, entitled as follows, to wit:

No. 306—An act providing against trespassing animals;

No. 309—An act to locate a state road from Centreville in Wayne county, to Connersville in Fayette county, and for other purposes; and

No. 310—An act supplementary to an act entitled "an act to provide for the sale of certain lands therein named, approved February 2, 1833," approved January 8, 1835.

No. 306 and 309 without, and No. 310 with amendment;

In which the concurrence of the House of Representatives is requested.

The Senate insist on their amendments to the bill of the House (No. 284,) entitled "an act to authorize the building of a bridge over Sugar creek at the Narrows in Parke county.

The amendments of the Senate to the bill [No. 310] named in said message, were severally read and concurred in.

The House insisted on their disagreement to the amendments of the Senate to the bill of the House [No. 284] named in said message, and Messrs. Wilson of P., and Lowe were appointed a committee of free conference to take into consideration the disagreeing votes of the two Houses on that subject, to act with a similar committee to be appointed on the part of the Senate.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate has passed a bill of the Senate [No. 156] entitled an act to curtail the expenses on the Michigan road.

They have passed bills of the House entitled as follows:

No. 235—An act to incorporate the townships in the counties of Warren and Tippecanoe; and,

No. 311—An act making general appropriations for the year 1835.

No. 235— with, and

No. 311— without amendment.

In which bill of the Senate and the amendments proposed to the bill No. 235 of the House the concurrence of the House of Representatives is requested.

The engrossed bill of the Senate [No. 156] named in said message, was read three several times (the rules of the House having first been dispensed with,) and passed.

The House concurred in the several amendments proposed by the Senate to the bill [No. 235] named in said message.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Morris, their Secretary,

Mr. SPEAKER—

The Senate has passed a bill of the Senate, entitled

No. 84—An act in amendment of the act approved Jan. 22, 1834, entitled an act authorizing the seizure of boats and other vessels for debt; and the act in amendment of the same, approved Feb. 1, 1834;

Also, a bill of the House, entitled,

No. 268—An act to incorporate the Charlestown Rail Road Company;

With amendments: in which bill of the Senate, and the amendments proposed to the bill of the House, the concurrence of the House of Representatives is requested.

The Senate has also passed a joint resolution [No. 113] of the House on the subject of the boundary line between Indiana and Michigan, with an amendment, in which the concurrence of the House of Representatives is requested.

The bill of the Senate, [No. 84] named in said message, was three times read (the rules of the House having first been dispensed with) and passed.

The amendments of the Senate to the bill of the House [No. 268,] and to the joint resolution [No. 113,] were severally read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Morris their Secretary.

Mr. SPEAKER—

The Senate has passed engrossed bills of the Senate, entitled,

No. 71—An act further regulating the jurisdiction and duties of justices of the peace.

They have passed bills of the House, entitled as follows:

No. 290—An act to vacate North Hampton in Harrison county, and Lebanon in Jackson county; and

No. 293—An act to vacate a part of the Brookville and Connersville state road;

In which bill of the Senate, and the amendments proposed to the bill of the House, [No. 290] the concurrence of the House of Representatives is requested.

The bill of the Senate named in said message, was three times read, by consent, and passed.

The amendments of the Senate to said bill of the House [No. 290] were read and concurred in.

Ordered, That the clerk inform the Senate thereof.

A message from the Governor by Mr. Ketcham, his private secretary:

MR. SPEAKER—

I am directed by his excellency the Governor to inform the House of Representatives that, on the 6th, instant, he approved the acts, memorial, and joint resolutions, entitled as follows:

No. 140—an act attaching the north-east quarter of section four, township four, north of range eight east, to the county of Jennings;

No. 166—an act to authorize the president and trustees of the town of Connersville, to lay off a street;

No. 182—an act to extend a State road to Haydon's ferry.

No. 117—an act to authorize the location of a State road from Indianapolis, to the Strawtown road;

No. 156—an act granting relief to Asa Smith and others;

No. 225—an act to give the circuit court of Fayette county jurisdiction in a certain case;

No. 238—an act for the relief of Allen Major, late of Shelby county, deceased;

No. 275—An act supplemental to an act entitled an act to change a part of the state road leading from New York in Switzerland county, to intersect the state road leading from Vevay in said county to Versailles in Ripley county, approved Jan. 15, 1834;

No. 128—An act to amend an act entitled an act to appropriate part of the 3 per cent. fund, approved Jan. 31, 1833;

No. 174—an act to locate and establish certain State roads therein named, and for other purposes;

No. 241—an act to provide for the location of a State road therein named;

No. 251—an act to vacate the town of New Lexington;

No. 233—an act to provide for the location of a State road from Marion, in Grant county, to Huntington;

No. 169—an act to declare certain county roads therein named, State roads;

No. 130—an act to incorporate the New Harmony manual labor college, at or adjoining New Harmony, Posey county, Indiana;

No. 220—an act to provide for the location of the seat of justice of the county of Dearborn, and for other purposes;

No. 240—an act to legalize certain acts therein named;

No. 271—an act to locate a certain State road therein named;

No. 94—An act declaring certain county roads therein named state roads;

No. 77—an act to locate a State road from New Harmony to Evansville;

No. 78—An act to establish and define certain streets in the town of Lanesville, Harrison county, and for other purposes;

No. 192—An act to establish a state road in the county of Switzerland;

No. 246—An act supplemental to an act entitled an act for the relief of John G. Davis, former collector of Parke county, and John G. Kendall, of Decatur county;

No. 163—a joint resolution and memorial, in relation to certain saline reservations, therein mentioned;

No. 272—A joint resolution on the subject of furnishing the county of Lagrange with an additional number of the Revised Code;

No. 37—An act explanatory of "an act to appropriate part of the three per cent. fund," approved Jan. 31, 1833;

No. 36—An act to provide an additional place of holding elections in Tobin township, Perry county;

No. 34—An act relative to school commissioners' deeds;

No. 57—An act for the benefit of Alexander Lowrey;

No. 124—An act legalizing the proceedings of the Fort Wayne and St. Mary's bridge company;

No. 87—An act to legalize the election of a justice of the peace in the territory attached to the county of Cass;

No. 126—An act to appropriate a part of the three per cent. fund of Perry and Spencer counties;

No. 19—An act to amend an act entitled "an act to provide for the improvement of the navigation of the Wabash river," approved Feb. 1, 1834;

No. 106—An act to incorporate the Olive Branch school society in Tippecanoe county;

No. 129—a joint memorial to Congress, praying for a grant of land to aid in the construction of a rail road from Evansville to Terre Haute; All of which have been filed in the Secretary's office.

The House resumed the consideration of the bill (No. 83) to abolish imprisonment for debt, and the amendment reported thereto by the select committee to whom it had been committed.

Ordered, That said bill and report be re-committed to a committee of the whole House for this day now:

The House thereupon resolved itself into a committee of the whole on said bill, and after some time spent therein, the Speaker resumed the chair, and Mr. Stanford reported the same without amendment.

The said bill and report of the select committee thereupon were, then,

On motion of Mr. Willett, laid on the table.

The House resumed the consideration of the bill [No. 204] to provide for the Wabash and Erie Canal, and the commencement of a general system of internal improvements in Indiana.

The said bill was then read the second time, and laid on the table.

Mr. Leslie, from the joint committee on Enrolled Bills, reported that they did on this day present to his excellency the Governor, for his approval and signature, bills of the House of Representatives of the following titles, to-wit:

No. 76—An act to amend an act entitled an act regulating the taking up of animals going estray and water crafts and other articles of value adrift, approved Feb. 9, 1831;

No. 37—An act for the promotion of schools in, and for the sale of lands belonging to, the Vincennes Donation Tract;

No. 276—An act for the benefit of Warrick county;

No. 106—An act for the relief of purchasers of Michigan Road and Canal lands;

No. 125—An act to establish a state road from Logansport to the rapids of Iroquois river;

No. 159—An act to establish certain State roads in Delaware and other counties;

No. 266—An act to locate a certain state road therein named;

No. 134—An act to locate a state road therein named;

No. 121—an act to incorporate the Spencer steam mill company;

No. 250—An act to establish a certain state road therein named;

No. 170—An act to authorize Michael E. Israel to build a toll bridge across Hogan creek, in Dearborn county;

No. 129—an act to establish a State road from Bowling-green in Clay county, to Osborn's ferry in Green county;

No. 44—An act to incorporate the Fort Wayne and Laporte turn-pike company;

No. 98—An act for improving Eel river in the county of Clay;

No. 61—an act to repeal part of an act or acts, incorporating the borough of Vincennes, approved Jan. 27, 1834;

No. 105—An act to change a state road in Posey county;

No. 99—An act to amend an act entitled an act to regulate the mode of doing county business in the several counties in this state, approved Jan. 19, 1831;

No. 118—An act to establish a state road from Alexander Cox's in Morgan county, to Indianapolis;

No. 95—An act to legalize the proceedings of the commissioners on a certain state road therein named;

No. 278—An act supplementary to an act to authorize the President and Managers of the New-Albany School to sell certain real estate, approved Jan. 26, 1835;

No. 127—An act to locate a state road from Goshen to Plymouth;

No. 133—An act to establish a state road from Delphi via Camden to the Michigan Road;

And bills of the Senate of the following titles, to wit.

No. 16—An act to provide for taking the enumeration of the white male inhabitants above the age of 21 years;

No. 61—An act for the relief of Wm. McKimm, and to change the name of the town of Newburgh to Spartanburgh;

No. 67—An act to incorporate the Philomathean society;

No. 92—An act to provide for the furnishing and preservation of the State-house;

No. 135—an act to authorize a suit in behalf of the State, against the Wabash insurance company;

No. 136—an act to authorize the re-locating of the State road from Louisville, in Henry county, to Middletown;

No. 139—an act to incorporate the Crawford county seminary;

No. 149—An act supplemental to an act entitled an act to re-locate a certain State road therein named, approved Dec. 24, 1834;

Also joint resolutions of the Senate of the following titles, to wit:

No. 50—A joint resolution for the benefit of the Secretary of State;

No. 52—a joint memorial of the General Assembly of the State of Indiana.

Mr. Vawter, after having obtained leave, presented a bill (No. 317) giving to county treasurer's receipts the same validity in evidence as licenses;

Which was twice read, and,

On motion of Mr. Moore,

Amended by adding the following proviso:

"Provided the applicant for such receipt is a resident of the county where such application is made."

On motion of Mr. Bigger,

The bill was further amended by adding to the fourth section the following:

"But such certificate shall be taken and considered in place of the license required by the act to which this is amendatory;" and

On motion of Mr. Ray,

It was ordered that said bill do lie on the table.

Mr. Wallace, after having obtained leave, presented a joint resolution (No. 318) relative to track roads;

Which was three times read by consent and passed.

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence.

The Speaker laid before the House a communication on the subject of track roads;

Which was read and ordered to accompany the last named joint resolution.

A message from the Senate by Mr. Morris their Secretary:

Mr. SPEAKER—

The Senate has passed an engrossed bill of the House (No. 269) entitled an act making specific appropriations for 1835, with amendments, in which the concurrence of the House of Representatives is requested.

The House concurred in the 1st, 2d, 4th, 5th, 6th, 7th, 8th, 10th, and 11th amendments of the Senate to the above named bill.

The third amendment of the Senate was,

On motion of Mr. Crume,

Amended by appending an allowance to James Fisler of one dollar and fifty cents, for articles furnished the General Assembly;

And as amended, was concurred in by the House.

The 12th amendment of the Senate to said bill was read;

And on the question to concur therein,

The votes being counted, it appeared that a quorum of the House was not present, and thereupon

The House adjourned until to-morrow morning at 8 o'clock.

SATURDAY MORNING, FEB. 7, 1835.

The House met pursuant to adjournment.

Mr. Harris had leave of absence granted him from this morning until the end of the session of the General Assembly.

Mr. Wilson of H., on leave, presented

A joint resolution [No. 319] of the General Assembly of the State of Indiana, relative to the purchase of a fire engine;

Which was twice read (the rules of the House having first been dispensed with,) and,

On motion of Mr. Willet, it was amended by adding thereto the following:

"And that the Governor be authorized to have the State House ensured, while the same is being finished."

Mr. Vandever moved to amend said joint resolution, by adding thereto the following:

"Provided the citizens of the town of Indianapolis subscribe one-half the amount required to purchase the same."

Mr. Crume moved to amend said amendment, by providing that the state pay two-thirds of the amount;

Which was decided in the negative.

Mr. Wallace moved to amend the resolution, by providing that said engine shall not cost less than one thousand dollars;

Which motion did not prevail.

Mr. Wallace moved further to amend said joint resolution by directing the Governor to erect a suitable building for the preservation of said engine;

Which motion was decided in the negative.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER—

The Senate insist on their 5th, 6th, and 7th amendments to the engrossed bill of the House [No. 191] to which the House has disagreed; and have appointed Messrs. Whitcomb and Beard a committee of free conference to take into consideration the disagreeing votes of the two Houses on said bill, with a similar committee to be appointed on the part of the House.

The House insisted on their disagreement to the amendments of the Senate to the bill of the House, [No. 191] and Messrs. Lowe and Vandever were appointed a committee of free conference to take into

consideration the disagreeing votes of the two Houses, with the similar committee appointed on the part of the Senate.

Ordered, That the clerk inform the Senate thereof.

Mr. Thompson moved to re commit the joint resolution [No. 319] of the General Assembly of the State of Indiana, relative to the purchase of a fire engine, to a select committee;

Which motion passed in the affirmative.

Ordered, That Messrs. Thompson, Crume, and Wallace be that committee.

A message from the Governor, by Mr. Ketcham, his private secretary:
MR. SPEAKER—

I am directed by his Excellency the Governor, to inform the House of Representatives that, on the 6th inst., he approved the acts entitled as follows:

No. 111—an act to provide for the further prosecution of the Wabash and Erie canal, and for other purposes;

No. 118—an act to amend an act to establish a board of trustees for the promotion of schools and education in Clark's Grant, approved Jan. 28, 1824; and,

No. 91.—an act to vacate a part of the public square in the town of Corydon;

Which originated in the Senate; and

No. 87—an act to incorporate the Buffalo and Mississippi rail-road company;

Which originated in the House of Representatives.

All of which have been filed in the Secretary's office.

Mr. Leslie, from the joint committee of Enrolled bills, reported that they have compared the enrolled with the engrossed bills of the House, entitled acts as follows, to-wit:

No. 221—An act to incorporate the Wayne and Union Turnpike Company, and the Brownsville and Centreville Turnpike Company;

No. 68—An act to amend an act entitled an act for the relief of the securities of certain officers, approved Feb. 1, 1834;

No. 111—An act to incorporate the town of Newport in Wayne county;

And bills and joint resolutions of the Senate as follows:

No. 90—An act to declare the road leading from Rome in Perry county, in the direction of Fredonia in Crawford county, a state road, and for other purposes;

No. 146—An act to authorize the purchase of sites for dams at the falls or rapids of the Wabash river, and for other purposes;

No. 123—An act to amend an act entitled an act for the incorporation of county libraries;

No. 44—An act relative to the taking of depositions;

No. 152—An act to improve the navigation of the Mississineway river; also,

No. 8—A joint resolution relative to the State House;

No. 46—A joint resolution on the subject of the Militia;

And find the same truly enrolled.

Whereupon the Speaker signed said bills, &c.

Ordered, That the Clerk carry the same to the Senate for the signature of their President.

A message from the Senate by Mr. Morris their secretary:

MR. SPEAKER—

The Senate concur in the amendments proposed by the House to the engrossed bills of the Senate entitled as follows:

No. 94—An act to make a State Road from Versailles to Rockford, and

No. 147—An act to legalize the proceedings of the commissioner of a certain State Road therein named, and for other purposes.

They concur in the amendments proposed by the House to the amendments proposed by the Senate to the engrossed bill (No. 302) of the House entitled "an act supplemental to an act entitled an act for the further prosecution of the Wabash and Erie Canal, and for other purposes," which passed the present session of the Legislature.

The House resumed the consideration of the bill (No. 249) making specific appropriations for the year 1835, pending at the last adjournment.

The question recurring on the motion of Mr. Vawter, to strike out from the 12th amendment made by the Senate to said bill "\$3 50," being the amount allowed the Sergeant at Arms.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bell, Bennett, Bryan, Carr, Chapman, Cook, Crume, Curry, Curtis, Gaddes, Hardesty, Hargrove, Henkle, Hoagland, Howard, Howell, Johnson of M., Leslic, Liston, Lockhart, McDougle, McIntire, Nave, Parks, Phelps, Ray, Rockhill, Schooling, Stafford, Stanford, Strain, Vawter, Walker, Wallace, Wilson of H., Wilson of P., Wilson of V.—38.

And those who voted in the negative are,

Messrs. Bigger, Bower, Carter of C., Green, Johnston of F., Latshaw, McCalley, Moore, Shaw, Storm, Thompson, Torbet, Willet, and Gregory, Speaker—14.

So said motion was carried in the affirmative.

Mr. Willet moved to fill the blank in said amendment with "\$3."

Two dollars and fifty cents was also named.

The question then recurred on filling the blank with "\$3," as proposed by Mr. Willet.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bigger, Bower, Carter of C., Green, Hardesty, Henkle, Johnston of F., Latshaw, Liston, McCalley, Moore, Phelps, Rockhill,

Shaw, Storm, Thompson, Torbet, Wallace, Willet, and Gregory, Speaker—20.

And those who voted in the negative are,

Messrs. Armstrong, Bell, Bennett, Bryan, Carr, Chapman, Cook, Crume, Curry, Curtis, Gaddes, Hargrove, Hoagland, Howard, Howell, Johnson of M., Leslie, Lockhart, McDougale, McIntire, Nave, Parks, Ray, Schooling, Stafford, Stanford, Strain, Vawter, Walker, Wilson of H., Wilson of P., Wilson of V.—32.

So the blank was not so filled.

The blank therein was then filled with "\$2,50" by consent.

The 26th amendment to said bill was read, when

Mr. Leslie moved to amend the same by adding thereto the following:

"And that the Auditor be allowed one half of one per cent;"

Which was decided in the negative.

The House disagreed to the 27th amendment of the Senate to the said bill of the House.

The 28th amendment, which was by striking out that section of said bill which provides "\$300" for compensation to the Governor;

And on the question, will the House concur therein?

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bell, Bower, Bryan, Crume, Curtis, Gaddes, Green, Hargrove, Hoagland, Howard, Howell, Latshaw, Lockhart, Lowe, McCalley, McIntire, Moore, Nave, Parks, Phelps, Ray, Schooling, Stafford, Stanford, Storm, Strain, Vandever, Vawter, Wilson of P., and Gregory, Speaker—31.

And those who voted in the negative are,

Messrs. Bennett, Bigger, Carr, Carter of C., Chapman, Curry, Hardesty, Henkle, Johnson of M., Johnston of F., Leslie, Liston, McDougale, Rockhill, Shaw, Thompson, Torbet, Walker, Wallace, Willet, Wilson of H., Wilson of V.—22.

So the House concurred in said amendment.

All other amendments made to said bill by the Senate were severally read and concurred in by the House.

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence in the amendment made by the House to said amendment of the Senate.

Mr. Thompson, from a select committee, to which was referred the joint resolution of the General Assembly of the State of Indiana, relative to the purchase of a fire engine, on leave, reported the same back to the House with one amendment;

Which was read and concurred in by the House.

Said joint resolution was then read a third time and passed.

Ordered, That it be entitled an act, and that the Clerk carry it to the Senate and ask their concurrence.

And then the House adjourned until half past one 1 o'clock P. M.

Half past 1 o'clock P. M.

The House met pursuant to adjournment.

The engrossed joint resolution of the Senate (No. 118) authorizing a subscription to Morris' Map of Indiana,

Was read a third time, and,

On motion of Mr. Stanford,

Ordered, That the same do lie on the table.

The engrossed bill of the Senate (No. 76,) was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Phelps, from the select committee to which was referred a petition on that subject, made the following report, which was read and concurred in by the House:

The select committee to which was referred the petitions of sundry citizens of Harrison and Crawford counties, praying an attachment of a part of Harrison county to Crawford county, have had that subject under consideration, and have directed me to report, that legislation on that subject at this time, would be inexpedient.

Mr. Wilson of H., moved to re-consider the vote taken on the motion to lay the engrossed joint resolution of the Senate (No. 118) authorizing a subscription to Morris' map of Indiana, on the table.

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Bigger, Chapman, Crume, Curry, Hargrove, Henkle, Hoagland, Johnston of F., Leslie, Liston, Lowe, Parks, Phelps, Ray, Rockhill, Shaw, Thompson, Torbet, Vawter, Wallace, Wilson of H., and Gregory, Speaker—22.

And those who voted in the negative are,

Messrs. Armstrong, Bell, Bennett, Bower, Bryan, Carr, Carter of C., Cook, Curtis, Gaddes, Green, Hardesty, Howell, Latshaw, Lockhart, McCalley, McDougle, McIntire, Moore, Nave, Schooling, Stafford, Stanford, Storm, Strain, Vandever, Walker, Willet, Wilson of P., and Wilson of V—30.

So said motion was decided in the negative.

Mr. Lowe made the following report:

The committee of free conference to whom was referred the disagreeing votes of the two Houses on the 5th, 6th, and 7th amendments of the Senate to a bill of the House (No. 191) entitled "a bill to amend the several acts regulating the jurisdiction and duties of justices of the

peace in the counties therein named," have according to order had the same under consideration, and have directed me to report, that they have concurred in the said amendments, with amendments to the same, by inserting after "Hendricks" in the 5th amendment, the words "Parke, Orange, Morgan, Owen, Washington, and Madison," and by striking out in the 7th amendment the words "Owen, Montgomery, and Clinton," in which they ask the concurrence of the House of Representatives;

Which was concurred in by the House.

Ordered, That the Clerk inform the Senate thereof.

Mr. Thompson moved the adoption of the following resolution:

Resolved, That a select committee be appointed, with instructions to inquire into the impropriety of members absenting themselves from the House of Representatives without leave of the House, before its adjournment *sine die*, with leave to report by resolution or otherwise;

Which was read, and

On motion of Mr. Wallace, amended by adding thereto the following, to wit:

"And also, the propriety of members drawing pay for a longer time than they are actually in the service of the State."

And on motion of Mr. Willet,

Ordered, That the same do lie on the table.

A Message from the Senate by Mr. Whitcomb, a member:

MR. SPEAKER—

The Senate insist on their several amendments to a bill of the House (No. 161) supplemental to an act entitled "an act regulating the practice in suits at law," approved January 29, 1831, and have appointed Messrs. Whitcomb and Griffith, a committee of free conference to act with a similar committee on the part of the House, to take into consideration the subject of the disagreeing votes of the two Houses on the said amendments.

On motion of Mr. Bigger, the House continued to insist on their disagreement to the amendments of the Senate to the bill (No. 161) named in said message, and a committee of free conference was appointed to take into consideration the disagreeing votes of the two Houses on that subject, to act with a similar committee appointed by the Senate.

Ordered, That Messrs. Bigger and Ray, be that committee.

Ordered, That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate has passed without amendment bills of the House, entitled as follows:

No. 220—An act to amend an act entitled an act regulating the duties of justices of the peace, approved Feb. 10, 1831;

No. 214—An act to attach part of township 19, N. R. 4 E. to town-

ship No. 19, N. R. 5 E., and for other purposes;

The Senate has passed a bill of the Senate entitled

No. 101—An act to amend the act entitled an act to provide for the distribution of the laws and journals, and for other purposes, approved February 10, 1831;

The Senate concur in the amendment proposed by the House to the 43d member of the 1st amendment of the Senate to the bill of the House [No. 269] making specific appropriations for 1835.

The Senate recede from the 49th member of their 1st amendment to said last named bill, and insist on their 2d amendment.

They disagree to the amendment proposed by the House to the 52d member of their 1st amendment to said bill [No. 269.]

In the bill of the Senate [No. 101] the concurrence of the House of Representatives is requested.

The engrossed bill of the Senate [No. 101] named in said message, was read three several times (the rules of the House having first been dispensed with) and passed.

The House insisted on its several amendments named in the last message to the bill of the House [No. 269] making general appropriations for the year 1835.

Ordered, That the Clerk inform the Senate thereof.

Mr. Chapman, on leave, presented

A joint resolution [No. 320] to Congress on the subject of the pre-emption law;

Which was twice read (the rules of the House having first been dispensed with) and laid on the table.

A message from the Senate by Mr. Feeny a member:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that they adhere to an amendment made by the Senate to an engrossed bill of the House, [No. 284] authorizing the building of a bridge over the Narrows of Sugar creek in Parke county.

On motion of Mr. Crume, the House adhered to their disagreement to the amendment of the Senate to said bill of the House [No. 284] named in said message.

Ordered, That the Clerk inform the Senate thereof.

Mr. Leslie, from the joint committee on Enrolled Bills, reported that they did on this day present to his excellency the Governor, for his approval and signature, bills of the Senate as follows, to-wit:

No. 38—An act to amend an act to regulate marriages, approved February 4, 1831;

No. 58—An act declaring a certain road therein named, a State road, and for other purposes;

No. 142—An act to incorporate the Montezuma Steam Mill Company; also

No. 145—A memorial and joint resolution for the benefit of Madison Collins,

And bills of the House of the following titles:

No. 136—An act to locate a state road from Rockport to the head of French Island;

No. 167—An act to locate a state road, commencing in Sullivan county, thence through the counties of Vigo, Clay, Parke, and Montgomery;

No. 148—An act to establish a state road from Connersville to St. Omer and Columbus;

No. 142—An act to amend an act entitled "an act to incorporate the South Bend Bridge Company," approved February 2d, 1833;

No. 288—An act to amend an act for the relief of the poor, approved February 10, 1831;

No. 258—An act authorizing the School Commissioners of Lawrence county to re-value and sell the W. half of N. E. quarter of section 16, in town 6, north of range 1 east;

No. 282—An act to amend an act entitled an act to locate certain state roads therein named, approved February 1, 1834;

No. 277—An act to locate a state road in Perry and Vanderburgh counties;

No. 263—An act to provide for the expenditure of part of the three per cent. fund appropriated to Shelby and Rush counties, and for other purposes;

No. 240—An act to amend an act entitled an act to locate a state road from Greencastle in Putnam county, to Carlisle in Sullivan county, by the way of Manhattan in Putnam county and Bowlinggreen and New Brunswick in Clay county;

No. 229—An act to incorporate the Leesville Steam Mill Company;

No. 283—An act legalizing the election of the board of trustees of the town of Logansport;

No. 274—An act to change the name of Hannah Nash to Hannah Hardin;

No. 235—An act supplemental to an act to extend the provisions of an act therein named, to Marion county;

No. 223—An act to establish the name of Jefferson Nelson Redman and family;

No. 65—An act to amend an act entitled, an act to provide for draining the swamps, ponds, marshes, and other low lands within the counties of Tippecanoe, Montgomery, Clinton and Warren;

No. 84—An act authorizing the laying off into seminary districts, the county of Orange, and for other purposes;

No. 114—An act to amend an act entitled an act incorporating congressional townships and providing for public schools therein, approved Feb. 2, 1833;

No. 73—An act to amend an act entitled an act to re-locate a part of the state road from Levenworth to Paoli, approved Feb. 1, 1834—and likewise to amend an act to establish a state road from Rome in Perry county, to Paoli in Orange county, approved Feb. 1, 1834;

No. 196—An act to amend an act entitled an act to amend the act entitled an act to incorporate the Franklin County Seminary, approved February 3d, 1832;

No. 52—A joint resolution on the subject of exchanging books with the several States;

A message from the Senate by Mr. Beard a member:

MR. SPEAKER—

The Senate have passed a joint resolution [No. 157] relative to the State Bank; in which I am requested to ask the concurrence of the House of Representatives.

Said joint resolution was read twice (the rules of the House having been dispensed with) when

Mr. Willet moved to strike out the 2d section.

Mr. Vandever moved to amend said second section, by adding thereto the following:

“Also create a loan of \$300,000, pledging the three per cent. fund for the payment thereof, for the purpose of aiding the several counties in this state in repairing the public roads and highways in the same.”

Said joint resolution with its proposed amendment, was then,

On motion of Mr. Nave, laid on the table.

Mr. Bigger made the following report:

The committee of free conference appointed to act with a similar committee on the part of the Senate to which were referred the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (No. 161) supplemental to an act entitled an act regulating the practice in suits at law, approved January 29, 1834, have according to order, had the same under consideration, and have directed me to report the following as the result of their conference, viz:

The House to recede from their disagreement to the amendments of the Senate, and the amendments of the Senate to be concurred in, and stand as a part of the bill;

Which was concurred in by the House.

Ordered, That the Clerk inform the Senate thereof.

And then the House adjourned until 6 o'clock P. M.

6 o'clock P. M.

The House met pursuant to adjournment.

A message from the Senate by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate concur in the amendments proposed by the House to the several amendments proposed by the Senate to the engrossed bill of the House (No. 302) entitled an act supplemental to an act entitled an act for the further prosecution of the Wabash and Erie Canal, and for other purposes, which passed the present session of the Legislature.

The Senate has passed bills of the House entitled as follows.

No. 213—An act to relocate the State road from Logansport to Pigeon prairie, in Michigan Territory;

No. 219—An act to empower the Board of Commissioners of Vanderburgh county, to convey certain property therein named;

No. 231—An act to establish a state road from Lafayette to intersect a state road leading from Lafayette to Chicago, at the sugar grove;

No. 239—An act to incorporate the town of Levenworth;

No. 247—A memorial asking a grant of lands from the U. States for certain purposes—all without amendment.

They concur in the amendments proposed by the House to the bill of the Senate (No. 86) to incorporate the White river Bridge company.

On motion of Mr. Willet, the engrossed joint resolution of the Senate (No. 157) in relation to the State Bank, was taken up, and

The amendment presented by Mr. Vandever, was read and adopted by the House.

Mr. Stanford moved to re-consider the vote just taken, on the adoption of Mr. Vandever's amendment;

And the ayes and noes being requested by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bell, Bigger, Bower, Bryan, Carr, Carter of C., Chapman, Cook, Crume, Curry, Curtis, Dunning, Hardesty, Henkle, Johnston of F., Latshaw, Liston, Lowe, McCalley, McIntire, Nave, Parks, Ray, Rockhill, Schooling, Stafford, Stanford, Thompson, Vawter, Wallace, Willet, Wilson of V., and Gregory, Speaker—35.

And those who voted in the negative are,

Messrs. Gaddes, Green, Hargrove, Hoagland, Howell, Howard, Leslie, Lockhart, McDougale, Moore, Phelps, Shaw, Strain, Torbet, Vandever, Wilson of H., Wilson of P.—17.

So said vote was re-considered.

The question then recurred on the adoption of said amendment, and was put;

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Chapman, Green, Hargrove, Howell, Howard, Leslie, McDougale, Phelps, Shaw, Strain, Torbet, Vandever, Wilson of H., and Wilson of P.—14.

And those who voted in the negative are,

Messrs. Armstrong, Bell, Bennett, Bigger, Bower, Bryan, Carr, Carter of C., Cook, Crume, Curry, Curtis, Dunning, Gaddes, Hardesty, Henkle, Hoagland, Johnston of F., Latshaw, Liston, Lockhart, Lowe, M'Calley, McIntire, Moore, Nave, Parks, Ray, Rockhill, Schooling, Stafford, Stanford, Thompson, Vawter, Wallace, Willet, and Wilson of V.—36.

So said amendment was not adopted.

Mr. Carter of C., then moved that the rules of the House be suspended, and the bill be read a third time now;

And the ayes and noes being requested thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bell, Bennett, Bigger, Bryan, Carter of C., Chapman, Cook, Crume, Curry, Curtis, Dunning, Hardesty, Henkle, Hoagland, Johnston of F., Latshaw, Liston, Lowe, McIntire, Nave, Parks, Ray, Rockhill, Schooling, Stafford, Stanford, Thompson, Vawter, Wallace, Willet, Wilson of V., and Gregory, speaker—33.

And those who voted in the negative are,

Messrs. Bower, Carr, Gaddes, Green, Hargrove, Howell, Howard, Leslie, Lockhart, McCalley, McDougle, Moore, Phelps, Shaw, Strain, Torbet, Vandever, Wilson of H., and Wilson of P.—19.

So the rule was not suspended.

Ordered, That the amendments be engrossed, and the bill read a third time on Monday next.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER,

The Senate concur in the amendments proposed by the House, to the bill of the Senate, [No. 76] entitled an act to amend an act to regulate the mode of doing county business in the several counties of this State, approved Jan. 19, 1831.

They have passed without amendment, bills, &c. of the House entitled as follows:

No. 206—An act to locate a State road from Lima to Huntington; and,

No. 319—A joint resolution of the General Assembly of the State of Indiana, relative to the purchase of a fire engine;

No. 270—An act to authorize the location of a State road from Manheim in Adams county, to the eastern boundary of this State, in a direction to Wilshire, in the State of Ohio;

No. 279—An act for the relief of Wm. Anderson;

All without amendment.

Also, bill [No. 82] of the House with an amendment, entitled an act to amend an act entitled an act to regulate the mode of doing county business in the several counties in this State, approved Jan. 19, 1831.

In which amendment the concurrence of the House of Representatives is requested.

The Senate insist on the 49th member of their first amendment, and their second amendment to the bill of the House [No. 269] making specific appropriations for the year 1835, and have appointed Messrs. Whitcomb and Beard a committee of free conference to take into consideration, with a similar committee to be appointed on the part of the House, the disagreeing votes of the two Houses on said bill.

The Senate have concurred in the report of free conference appointed to take into consideration the disagreeing votes of the two Houses on the amendments of the Senate, to the bill of the House

[No. 161] entitled a bill supplemental to an act entitled an act regulating the practice in suits at law, approved Jan. 29, 1831.

The House agreed to the amendment to the bill [No. 82] named in said message, with two amendments, to wit:

Insert at the end of the fifth line, first section, the word "next," and after county in the sixth line, "and thereafter at the March term, and annually thereafter."

On motion of Mr. Vawter,

The House insisted on their disagreement to the amendments of the Senate to the bill of the House [No. 269] and Messrs. Vawter and Stanford were appointed a committee of free conference, to take into consideration the disagreeing votes of the Houses on that subject, with a similar committee on the part of the Senate.

A message from the Senate by Mr. Hanna, a member:

MR. SPEAKER—

The Senate have passed a memorial [No. 62] entitled a memorial and joint resolution of the General Assembly of the State of Indiana, on the subject of the purchase of a tract of land from the United States, in which I am directed to ask the concurrence of the House.

Said joint memorial, was read twice (the rules of the House having been dispensed with,) and,

On motion of Mr. Bell,

Amended, by inserting "rail-road," after the word "canal."

Said memorial was then read a third time and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence in the amendment made by the House to the same.

A message from the Senate, by Mr. Morris, their Secretary:

MR. SPEAKER—

The Senate has passed without amendment, a memorial and joint resolution [No. 41] of the House, relative to the establishment of a route from New Albany to Terre Haute, via Salem, Bedford, Springville, Bloomfield, and Fairplay;

Also, with amendment, the following, entitled bills of the House:

No. 264—An act to amend the act entitled an act incorporating Congressional townships, and providing for public schools therein, approved Feb. 2, 1833; and,

No. 308—An act to amend the act to regulate general elections;

In which amendments the concurrence of the House of Representatives is requested.

The Senate have concurred in the report of the committee of free conference appointed to take into consideration the disagreeing votes of the two Houses, on the amendments of the Senate to the bill of the House [No. 191] to amend the several acts regulating the jurisdiction and duties of justices of the peace in the counties therein named.

The several amendments of the Senate to the bills of the House, Nos. 264 and 308, were read and concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Morris, their Secretary.

MR. SPEAKER—

The Senate has passed without amendment an engrossed bill of the House, entitled

No. 203—An act relative to crime and punishment, approved Feb. 10, 1831;

Also, with amendment, a bill of the House entitled

No. 227—An act concerning the Wabash and Erie Canal Lands.

In which amendment the concurrence of the House of Representatives is requested.

The amendment of the Senate to the bill (No. 227) named in said message was read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

A message from the Governor by Mr. Ketcham his private secretary.

MR. SPEAKER—

I am directed by his Excellency the Governor to inform the House of Representatives that on the 7th inst. he approved the acts and memorial entitled as follows:

No. 133—An act to establish a state road from Delphi via Camden to the Michigan Road;

No. 105—An act to change a state road in Posey county;

No. 166—An act to locate a certain state road therein named;

No. 250—An act to establish a certain state road therein named;

No. 44—An act to incorporate the Fort Wayne and Laporte turn-pike company;

No. 37—An act for the promotion of schools in, and for the sale of lands belonging to, the Vincennes Donation Tract;

No. 125—An act to establish a state road from Logansport to the rapids of Iroquois river;

No. 129—an act to establish a State road from Bowling-green in Clay county, to Osborn's ferry in Green county;

No. 106—An act for the relief of purchasers of Michigan Road and Canal lands;

No. 118—An act to establish a state road from Alexander Cox's in Morgan county, to Indianapolis;

No. 98—An act for improving Ecl river in the county of Clay;

No. 61—an act to repeal part of an act or acts, incorporating the borough of Vincennes, approved Jan. 27, 1834;

No. 99—An act to amend an act entitled an act to regulate the mode of doing county business in the several counties in this state, approved Jan. 19, 1831;

No. 159—An act to establish certain State roads in Delaware and other counties;

- No. 121—an act to incorporate the Spencer steam mill company;
 No. 127—An act to locate a state road from Goshen to Plymouth;
 No. 276—An act for the benefit of Warrick county;
 No. 278—An act supplementary to an act to authorize the President and Managers of the New-Albany School to sell certain real estate, approved Jan. 26, 1835;
 No. 170—An act to authorize Michael E. Israel to build a toll bridge across Hogan creek, in Dearborn county;
 No. 76—An act to amend an act entitled an act regulating the taking up of animals going estray and water crafts and other articles of value adrift, approved Feb. 9, 1831;
 No. 134—An act to locate a state road therein named;
 No. 95—An act to legalize the proceedings of the commissioners on a certain state road therein named;
 Which originated in the House of Representatives; and
 No. 61—An act for the relief of Wm. McKimm, and to change the name of the town of Newburgh to Spartanburgh;
 No. 135—an act to authorize a suit in behalf of the State, against the Wabash insurance company;
 No. 136—an act to authorize the re-locating of the State road from Louisville, in Henry county, to Middletown;
 No. 92—An act to provide for the furnishing and preservation of the State-house;
 No. 149—An act supplemental to an act entitled an act to re-locate a certain State road therein named, approved Dec. 24, 1834;
 No. 67—An act to incorporate the Philomathean society;
 No. 16—An act to provide for taking the enumeration of the white male inhabitants above the age of 21 years;
 No. 139—an act to incorporate the Crawford county seminary;
 No. 50—A joint resolution for the benefit of the Secretary of State;
 No. 52—a joint memorial of the General Assembly of the State of Indiana.

Which originated in the Senate, and which have been filed in the Secretary's office.

A message from the Senate by Mr. Morris their Secretary:

Mr. SPEAKER—

The Senate concur in the amendment proposed by the House of Representatives to the memorial and joint resolution of the Senate (No. 62) entitled "a memorial and joint resolution of the General Assembly of the State of Indiana on the subject of the purchase of a tract of land from the United States.

They concur in the amendment proposed by the House to the amendments proposed by the Senate to the bill of the House (No. 82) entitled an act to amend an act entitled an act to regulate the mode of doing county business in the several counties in this State, approved Jan. 19, 1831.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER—

The Senate has concurred in the report of the committee of free conference appointed on the subject of the 5th, 6th and 7th amendments of the Senate to the engrossed bill of the House (No. 191) to amend the several acts regulating the jurisdiction and duties of justices of the peace in the counties therein named.

Mr. Stanford made the following report:

MR. SPEAKER—

The committee of free conference appointed on the part of this House to take into consideration the disagreeing vote between the two Houses relative to the 2d amendment to the 6th section of the Senate to the bill of the House making specific appropriations for the year 1835, have, according to order, had that matter under consideration, and now report that the committee have agreed that the Senate recede from said amendment, to which they ask the concurrence of this House; and also the amendment of the House to the amendment of the Senate to the 52d section of said bill, report that that they cannot agree.

The House concurred in the 1st branch of said report.

On motion of Mr. Vawter, the House adhered to its disagreement to the amendment of the Senate to the 52d section of the bill of the House [No. 269] making specific appropriations for the year 1835.

A message from the Senate by Mr. Morris their Secretary.

MR. SPEAKER—

The Senate concur in the report of the committee of free conference appointed on the part of the Senate, to take into consideration the disagreeing votes of the two Houses on the bill of the House [No. 269] entitled an act making specific appropriations for the year 1835.

A message from the Senate by Mr. Morris their secretary:

MR. SPEAKER—

The Senate have discharged their committee of free conference, appointed to take into consideration the disagreeing votes of the two Houses on the bill of the House [No. 269] entitled an act making specific appropriations for 1835; and have receded from their disagreement to the amendment of the House to the 12th member of the Senate's first amendment to said bill, designated as section 52.

And then the House adjourned until Monday morning at 5 o'clock.

MONDAY MORNING, FEB. 9, 1835.

The House met pursuant to adjournment.

Mr. Willet, from the committee of Enrolled bills, reported that they have compared the enrolled with the engrossed bills which originated in the House of Representatives, of the following titles, viz:

No. 214—An act to attach part of township 19, N. R. 4 E. to township No. 19, N. R. 5 E., and for other purposes;

No. 219—An act to empower the board of commissioners of Vanderburgh to convey certain property therein named;

No. 231—An act to establish a state road from Lafayette to intersect the state road leading from Lafayette to Chicago, at the Sugar Grove;

No. 220—An act to amend an act entitled an act regulating the duties of justices of the peace, approved Feb. 10, 1831;

No. 247—A memorial asking a grant of land from the United States for certain purposes;

No. 150—An act to provide for an equitable mode of levying the taxes of this state;

No. 141—An act to amend an act entitled an act to provide for the election of county and township officers, approved Jan. 31, 1831;

No. 312—An act supplemental to an act to provide for an equitable mode of levying the taxes of this state;

No. 267—An act to amend an act entitled an act regulating grist mills and millers, approved February 10, 1831;

No. 308—An act to declare a certain county road therein named a state road;

No. 175—A joint resolution for the relief of the Canal Commissioners;

No. 104—An act to appropriate a part of the 3 per cent. fund;

No. 22—An act for the formation of the county of Noble;

No. 265—An act to revive and continue in force a part of a certain act therein named;

No. 299—An act to amend an act declaring certain streams therein named public highways, and for other purposes, approved Feb. 10, 1831;

No. 284—An act supplementary to an act entitled an act to amend an act to re-locate a part of the state road from Levenworth to Paoli, approved Feb. 1, 1834—and an act to establish a state road from Rome in Perry county, to Paoli in Orange county, approved Feb. 1, 1834;

No. 206—An act to locate a state road from Lima to Huntington;

No. 41—A memorial and joint resolution relative to the establishment of a mail route from New Albany to Terre Haute, via Salem, Bedford, Springville, Bloomfield, and Fair-play;

No. 184—An act to appropriate a part of the three per cent. fund in Monroe county;

No. 152—An act to incorporate the Western Literary Society in the county of Montgomery;

No. 319—A joint resolution of the General Assembly of the state of Indiana, relative to the purchase of a fire engine;

No. 180—An act to incorporate the Indianapolis and Montezuma Rail Road Company;

Fo. 243—An act to authorize the redemption of land returned to school commissioner for the non-payment of taxes in Jefferson county and for other purposes;

No. 171—An act for the encouragement of Agriculture;

No. 235—An act to incorporate the townships in the county of Warren;

No. 181—An act to incorporate the Frankfort, Delphi, and Michigan Rail Road and Turnpike Company;

No. 81—An act to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 10, 1831;

No. 297—An act to amend an act entitled an act to incorporate the town of Madison, approved Feb. 4, 1831;

No. 268—An act to incorporate the Charlestown Rail Road Company;

No. 207—An act to incorporate the Turkey Plain Manufacturing Company;

No. 103—A joint resolution of the General Assembly of the state of Indiana relative to the Tippecanoe Battle Ground;

No. 300—An act to incorporate the Michigan City and Kankakee Rail Road Company;

No. 203—An act to amend an act relative to crime and punishment, approved February 10, 1831;

No. 154—An act to incorporate the Logansport and Wabash Bridge Company;

No. 139—An act to provide for the appointment of a commissioner to expend the three per cent. fund in the county of Kosciusko;

No. 264—An act to amend the act entitled an act incorporating congressional townships and providing for public schools therein, approved February 2, 1833;

No. 175—An act to locate a state road from the county seat of Miami county to the town of Rochester on the Michigan Road;

No. 209—An act to authorize the location of a state road from Lagros in Wabash county, to Economy in Wayne county;

No. 310—An act supplementary to an act entitled "an act to provide for the sale of certain lands therein named, approved February 2, 1833," approved January 7, 1835.

And found the same truly enrolled.

Whereupon the Speaker signed said bills.

Ordered, That the Clerk carry the same to the Senate for the signature of their President.

Mr. Willet, from the joint committee on Enrolled Bills, reported that they did on this day present to his excellency the Governor, for his approval and signature, bills of the House of Representatives of the following titles, to-wit:

No. 214—An act to attach part of township 19, N. R. 4 E. to township No. 19, N. R. 5 E., and for other purposes;

No. 219—An act to empower the board of commissioners of Vanderburgh to convey certain property therein named;

No. 231—An act to establish a state road from Lafayette to intersect the state road leading from Lafayette to Chicago, at the Sugar Grove;

No. 220—An act to amend an act entitled an act regulating the duties of justices of the peace, approved Feb. 10, 1831;

No. 247—A memorial asking a grant of land from the United States for certain purposes;

No. 150—An act to provide for an equitable mode of levying the taxes of this state;

No. 141—An act to amend an act entitled an act to provide for the election of county and township officers, approved Jan. 31, 1831;

No. 312—An act supplemental to an act to provide for an equitable mode of levying the taxes of this state;

No. 267—An act to amend an act entitled an act regulating grist mills and millers, approved February 10, 1831;

No. 308—An act to declare a certain county road therein named a state road;

No. 175—A joint resolution for the relief of the Canal Commissioners;

No. 104—An act to appropriate a part of the 3 per cent. fund;

No. 22—An act for the formation of the county of Noble;

No. 265—An act to revive and continue in force a part of a certain act therein named;

No. 299—An act to amend an act declaring certain streams therein named public highways, and for other purposes, approved Feb. 10, 1831;

No. 284—An act supplementary to an act entitled an act to amend an act to re-locate a part of the state road from Levenworth to Paoli, approved Feb. 1, 1834—and an act to establish a state road from Rome in Perry county, to Paoli in Orange county, approved Feb. 1, 1834;

No. 206—An act to locate a state road from Lima to Huntington;

No. 41—A memorial and joint resolution relative to the establishment of a mail route from New Albany to Terre Haute, via Salem, Bedford, Springville, Bloomfield, and Fair-play;

No. 184—An act to appropriate a part of the three per cent. fund in Monroe county;

No. 152—An act to incorporate the Western Literary Society in the county of Montgomery;

No. 319—A joint resolution of the General Assembly of the state of Indiana, relative to the purchase of a fire engine;

No. 180—An act to incorporate the Indianapolis and Montezuma Rail Road Company;

No. 243—An act to authorize the redemption of land returned to school commissioner for the non-payment of taxes in Jefferson county and for other purposes;

No. 171—An act for the encouragement of Agriculture;

No. 235—An act to incorporate the townships in the county of Warren;

No. 181—An act to incorporate the Frankfort, Delphi, and Michigan Rail Road Company;

No. 81—An act to amend an act entitled an act to regulate the jurisdiction and duties of justices of the peace, approved Feb. 10, 1831;

No. 297—An act to amend an act entitled an act to incorporate the town of Madison, approved February 4, 1831;

No. 268—An act to incorporate the Charlestown rail road company;

No. 103—A joint resolution of the General Assembly of the State of Indiana relative to the Tippecanoe Battle Ground;

No. 300—An act to incorporate the Michigan City and Kankakee Rail Road Company;

No. 203—An act to amend an act relative to crime and punishment, approved February 10, 1831;

No. 154—An act to incorporate the Logansport and Wabash Bridge Company;

No. 139—An act to provide for the appointment of a commissioner to expend the three per cent. fund in the county of Kosciusko;

No. 264—An act to amend the act entitled an act incorporating congressional townships and providing for public schools therein, approved Feb. 2, 1833;

No. 175—An act to locate a state road from the county seat of Miami to the town of Rochester on the Michigan Road;

No. 209—An act to authorize the location of a state road from Lagros in Wabash county, to Economy in Wayne county;

No. 310—An act supplementary to an act entitled an act to provide for the sale of certain lands therein named, approved February 2, 1833, approved January 7, 1835.

Mr. Leslie, from the joint committee of enrolled bills, reported that they did on this day, present to His Excellency the Governor, for his approval and signature, resolution and bills, which originated in the Senate, of the following titles, to wit:

No. 8—A joint resolution relative to the State House;

No. 44—An act relative to taking of depositions;

No. 46—A joint resolution on the subject of the militia;

No. 90—An act to declare the road leading from Rome in Perry county in the direction of Fredonia in Crawford county, a state road;

No. 123—An act to amend an act entitled an act for the incorporation of county libraries;

No. 152—An act to improve the navigation of the Mississineway river;

No. 146—An act to authorize the purchase of lands as sites for dams at the falls or rapids of the Wabash river, and for other purposes,

And bills which originated in the House of Representatives, entitled,

No. 68—An act to amend an act for the relief of the securities of certain officers, approved February 1, 1834;

No. 111—An act to incorporate the town of Newport in Wayne county;

No. 221—An act to incorporate the Wayne & Union Turnpike Company, and the Brownsville & Centreville Turnpike Company.

Mr. Curry, from the joint committee on enrolled bills, reported that they have compared the engrossed with the enrolled bills, of the following titles, which originated in the House of Representatives, and find them truly enrolled, viz:

No. 269—An act making specific appropriations for the year 1835;

No. 293—An act to vacate a part of the Brookville and Connersville state road;

No. 306—An act providing against trespassing animals;

No. 309—An act to locate a state road from Centreville in Wayne county, to Connersville in Fayette county, and for other purposes;

No. 161—An act supplemental to an act entitled an act regulating the practice in suits at law, approved January 29, 1831;

No. 311—An act making general appropriations for the year 1835.

No. 302—An act supplemental to an act for the further prosecution of the Wabash and Erie Canal, and for other purposes, passed the present session of the Legislature;

No. 191—An act to amend the several acts regulating the jurisdiction and duties of justices of the peace in the counties therein named;

No. 239—An act to incorporate the town of Levenworth;

No. 213—An act to re-locate a state road from Logansport to Pigeon prairie in Michigan Territory;

No. 82—An act to amend an act entitled an act to regulate the mode of doing county business in this State, approved January 19, 1831;

No. 308—An act to amend an act to regulate general elections;

No. 279—An act for the relief of William Anderson;

No. 227—An act concerning the Wabash and Erie Canal Lands;

No. 270—An act to authorize the location of a state road from Manheim in Adams county, to the eastern boundary of this State, in a direction to Wilshire in the State of Ohio;

No. 113—A joint resolution on the subject of the boundary line between Indiana and Michigan;

And find the same truly enrolled:

Whereupon, the Speaker signed the same.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

Mr. Curry, from the joint committee of enrolled bills, reported that they did on this day present to the Governor for his approval and signature, the following entitled enrolled bills &c., which originated in the House of Representatives, viz:

No. 269—An act making specific appropriations for the year 1835;

No. 293—An act to vacate a part of the Brookville and Connersville state road;

No. 306—An act providing against trespassing animals;

No. 309—An act to locate a state road from Centreville in Wayne county, to Connersville in Fayette county, and for other purposes;

No. 161—An act supplemental to an act entitled an act regulating the practice in suits at law, approved January 29, 1831;

No. 311—An act making general appropriations for the year 1835;

No. 302—An act supplemental to an act for the further prosecution of the Wabash and Erie Canal, and for other purposes, passed the present session of the Legislature;

No. 191—An act to amend the several acts regulating the jurisdiction and duties of Justices of the Peace, in the counties therein named;

No. 239—An act to incorporate the town of Levenworth;

No. 213—An act to relocate a state road from Logansport to Pigeon Prairie in Michigan Territory;

No. 82—An act to amend an act entitled an act to regulate the mode of doing county business in this State, approved January 19, 1831;

No. 308—An act to amend an act to regulate general elections;

No. 279—An act for the relief of William Anderson;

No. 227—An act concerning the Wabash and Erie Canal Lands;

No. 270—An act to authorize the location of a state road from Manheim in Adams county, to the eastern boundary of this State, in a direction to Wilshire in the State of Ohio;

No. 113—A joint resolution on the subject of the boundary line between Indiana and Michigan,

A message from the Governor by Mr. Ketcham his Private Secretary:

MR. SPEAKER—

I am directed by His Excellency the Governor, to inform the House of Representatives that, on the 7th inst. he approved the acts, memorials, and joint resolutions, entitled as follows:

No. 265—An act to provide for the expenditure of part of the three per cent. fund, appropriated to Shelby and Rush counties, and for other purposes;

No. 223—An act to establish the name of Jefferson Nelson Redman and family;

No. 68—An act to amend an act entitled an act for the relief of the securities of certain officers, approved Feb. 1, 1834;

No. 235—An act supplemental to an act to extend the provisions of an act therein named, to Marion county;

No. 258—An act authorizing the School Commissioners of Lawrence county to re-value and sell the W. half of N. E. quarter of section 16, in town 6, north of range 1 east;

No. 288—An act to amend an act for the relief of the poor, approved February 10, 1831;

No. 65—An act to amend an act entitled, an act to provide for draining the swamps, ponds, marshes, and other low lands within the counties of Tippecanoe, Montgomery, Clinton and Warren;

No. 283—An act legalizing the election of the board of trustees of the town of Logansport;

No. 274—An act to change the name of Hannah Nash to Hannah Hardin;

No. 111—An act to incorporate the town of Newport in Wayne county;

No. 196—An act to amend an act entitled an act to amend the act entitled an act to incorporate the Franklin County Seminary, approved February 3d, 1832;

No. 221—An act to incorporate the Wayne and Union Turnpike Company, and the Brownsville and Centreville Turnpike Company;

No. 142—An act to amend an act entitled "an act to incorporate the South Bend Bridge Company," approved February 2d, 1833;

No. 114—An act to amend an act entitled an act incorporating congressional townships and providing for public schools therein, approved Feb. 2, 1833;

No. 229—An act to incorporate the Leesville Steam Mill Company;

No. 282—An act to amend an act entitled an act to locate certain state roads therein named, approved February 1, 1834;

No. 167—An act to locate a state road, commencing in Sullivan county, thence through the counties of Vigo, Clay, Parke, and Montgomery;

No. 240—An act to amend an act entitled an act to locate a state road from Greencastle in Putnam county, to Carlisle in Sullivan county, by the way of Manhattan in Putnam county and Bowlinggreen and New Brunswick in Clay county;

No. 73—An act to amend an act entitled an act to re-locate a part of the state road from Levenworth to Paoli, approved Feb. 1, 1834—and likewise to amend an act to establish a state road from Rome in Perry county, to Paoli in Orange county, approved Feb. 1, 1834;

No. 277—An act to locate a state road in Perry and Vanderburgh counties;

No. 148—An act to establish a state road from Connersville to St. Omer and Columbus;

No. 136—An act to locate a state road from Rockport to the head of French Island;

No. 52—A joint resolution on the subject of exchanging books with the several States—which originated in the House of Representatives, and

No. 90—An act to declare the road leading from Rome in Perry county, in the direction of Fredonia in Crawford county, a state road, and for other purposes;

No. 58—An act declaring a certain road therein named, a State road, and for other purposes;

No. 44—An act relative to the taking of depositions;

No. 38—An act to amend an act to regulate marriages, approved February 4, 1831;

No. 123—An act to amend an act entitled an act for the incorporation of county libraries;

No. 146—An act to authorize the purchase of sites for dams at the falls or rapids of the Wabash river, and for other purposes;

No. 152—An act to improve the navigation of the Mississineway river;

No. 142—An act to incorporate the Montezuma Steam Mill Company;

No. 145—A memorial and joint resolution for the benefit of Madison Collins,

No. 8—A joint resolution relative to the State House;

No. 46—A joint resolution on the subject of the Militia—which originated in the Senate, and which have been filed in the Secretary's office.

Mr. Leslie, from the joint committee on enrolled bills, reported that they had examined the enrolled with the engrossed bills of the Senate, of the following titles, to wit:

No. 2—An act to incorporate the Lexington steam-mill company;

No. 60—An act to amend an act to organize probate courts, and defining the powers and duties of executors, administrators, and guardians, approved Feb. 10, 1834;

No. 138—An act explanatory of the act to locate and establish a state road from Greensburgh to the falls of the Ohio river, approved Feb. 1, 1834;

No. 154—An act to authorize the sale of certain real estate of Joseph Swank deceased by the probate court of Montgomery county, under certain restrictions;

No. 112—an act to abolish imprisonment for debt in case of females;

No. 13—an act to vacate a part of the State road leading from Corydon in Harrison county, to Troy in Perry county, and for other purposes;

No. 156—an act to curtail the expenses on the Michigan road;

No. 94—An act to make a State road from Versailles to Rockford;

No. 42—an act in furtherance of an act to provide a fund for the encouragement of common schools, approved Feb. 2, 1832;

No. 152—an act to amend the several acts regulating the jurisdiction and duties of justices of the peace, in the county of Perry;

No. 84—An act in amendment of the act approved Jan. 22, 1824, entitled an act authorizing the seizure of boats and other vessels for debt; and the act in amendment of the same, approved Feb. 1, 1834;

No. 71—an act further regulating the jurisdiction and duties of justices of the peace;

No. 102—An act extending the time of final payment of the seminary lands, and for other purposes;

No. 96—an act to authorize the re-location of the State road from Marion in Grant county to the town of Wabash, in Wabash county;

No. 32—an act in amendment to an act entitled an act concerning clerks, approved Feb. 1, 1834;

No. 76—an act to amend an act to regulate the mode of doing county business in the several counties in this State, approved Jan. 19, 1831;

No. 95—an act for the benefit of James Smith, commissioner of the seminary township of land in Gibson county;

No. 144—an act to re-locate a part of the State road from Greencastle, in Putnam county, to Carlisle, in Sullivan county;

No. 86—an act to incorporate the White river bridge company;

No. 147—an act to legalize the proceedings of the commissioner therein named, and for other purposes;

No. 82—an act to regulate the Marion county seminary; and,

No. 153—A joint resolution relative to the 3 per cent. fund;

No. 62—A memorial and joint resolution of the General Assembly

of the State of Indiana, on the subject of the purchase of a tract of land from the United States; also,

No. 101—An act to amend the act entitled an act to provide for the distribution of the Laws and Journals, and for other purposes, approved Feb. 10, 1831;

No. 150—An act to provide for an equitable mode of levying the taxes of this State,—

And find them truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

Mr. Chapman from the joint committee of Enrolled bills, reported that they have compared the enrolled with the engrossed bills which originated in the House of Representatives, entitled as follows, to wit:

No. 290—An act to vacate North Hampton in Harrison county, and Lebanon in Jackson county;

No. 291—An act to re-locate a certain state road in the counties of Hancock and Henry;

No. 185—An act to re-locate a part of the state road leading from Lafayette to Michigan City;

No. 49—An act declaring a certain county road therein named a state road;

No. 126—an act laying out all the unorganized territory, to which the Indian title has been extinguished in this State, into a suitable number of counties, and for other purposes.

Also, memorials and joint resolutions which originated in the House of Representatives, entitled as follows, to wit:

No. 292—A memorial and joint resolution to Congress on the subject of a canal down the valley of White river;

No. 294—a joint resolution relative to the State library;

And find the same truly enrolled

Whereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Chapman from the joint committee on Enrolled Bills, reported that they did on this day present to his Excellency the Governor, for his approval and signature, the following enrolled bills which originated in the House, to wit:

No. 290—An act to vacate Northhampton, in Harrison county, and Lebanon in Jackson county;

No. 291—an act to re-locate a certain State road in the county of Hancock and Henry;

No. 185—An act to re-locate a part of the State road leading from Lafayette to Michigan city;

No. 49—an act to declare a certain county road therein named, a State road;

No. 126—An act laying out all the unorganized territory to which the Indian title has been extinguished in this State, into a suitable number of counties, and for other purposes.

Also, memorials and joint resolutions, which also originated in the House of Representatives.

No. 292—A memorial and joint resolution to Congress, on the subject of a canal down the valley of the White river;

No. 294—A joint resolution relative to the State Library;

The joint resolution from the Senate [No. 157] in relation to the State bank;

Was read the third time, and,

On motion of Mr. Johnston of F.,

Laid on the table.

The Speaker laid before the House the following communication from the Governor, accompanied by the bill therein named:

EXECUTIVE DEPARTMENT,
Indianapolis, Saturday Evening, Feb. 7th. }

THE HON. JAMES GREGORY,

Speaker of the House of Representatives:

Sir—I herewith return to the House of Representatives, in which it originated, the bill entitled “an act authorizing the laying off into seminary districts the county (Orange) therein named; and for other purposes.”

The small portion of time allowed me, at the eve of the adjournment, for the consideration of this and the numerous other bills presented by the committee, has been attentively given them, and I now offer to the House several of the objections which have influenced me in withholding my signature from the one returned.

The first section makes it the imperative duty of the board doing county business, in the county of Orange, to lay off that county into Seminary districts, and to appoint one trustee for each district.

The second section authorizes the district trustees to receive all fines imposed for breaches of our penal laws, as well as those arising from exemptions from militia service within that county, and directs all officers charged with their collection to pay them over to the clerk of Orange county, for distribution among the seminary trustees.

The 4th section, in substance, declares that any five citizens of the seminary districts, may avail themselves of the benefit of the fund, by meeting and determining that they will support a school any time, not less than three months in the year; and the 5th section provides that when the citizens shall have employed a teacher, from private contribution or otherwise, to take charge of a school, they may call upon the district trustee to apply the seminary fund in payment of the wages of the teacher thus employed.

If the framers of our Constitution could have had a favorite object, in looking through that instrument, the ninth article would seem to designate the cause of education as the mark of their choice. To one acquainted with the then surrounding circumstances, the provisions introduced manifest that solicitude, which our total destitution of the means for education, would have naturally inspired. The act of Con-

gress authorizing the people of the then territory to enter into a State government, with its conditions, was before the convention. By one of its provisions an entire township of land, in addition to the one previously located in Gibson county, was granted to the State for the benefit of a State seminary; and by another provision the 16th section of each township was granted for the use of township schools. These grants having been accepted, the convention by the 1st section of the 9th article, direct that these lands shall be applied to their original destination. But aware of the insufficiency of these grants, in the accomplishment of the objects which they were intended to promote, and of the necessity of other patronage, as well as other intermediate institutions of learning, the convention, by the second section of the article named has said that,

"It shall be the duty of the General Assembly, as soon as circumstances will permit, to provide by law for a general system of education, ascending in regular gradation from township schools to a State university, wherein tuition shall be gratis and equally open to all."

Having determined that there should be "a general system of education, ascending in regular gradation from township schools to a State university," but being without means for the endowment of intermediate institutions of learning, the next object of the Legislature would seem to have been the establishment and maintenance of county seminaries, as one of the connecting links of the "general system ascending in regular gradation &c.," and with that view the 3d section says:

"And for the promotion of such salutary end, the money which shall be paid as an equivalent by persons exempt from militia duty, except in time of war, shall be exclusively, and in equal proportions, applied to the support of county seminaries; also all fines assessed for any breach of the penal laws, shall be applied to said seminaries, in the counties wherein they shall be assessed."

The foregoing recited provisions of the constitution are in conflict with the powers claimed by the bill. These provisions, in letter and spirit, it is believed, will admit of but the one construction, and that is that the Legislature shall apply the moneys arising from exemptions from militia duty to the support, not of district seminaries or schools, but to county seminaries,—that the monies from that source shall not be given to the county in which it is collected, but that it shall be equally divided amongst all the counties for seminary purposes; and that all fines imposed for any breach of our penal laws shall be applied to the support of seminaries in the counties wherein they are assessed. It is upon this interpretation of the 3d section, above quoted, that our whole course of legislation has been based, and as regards the disposition and distribution of the fines, commonly called "consciencious," I refer the House to the 70th sec. of the act organizing the militia, and to the 29th sec. of the act regulating county seminaries, approved Feb. 1831.

If correct, in the hurried view which I have taken of the subject, the the objects to be attained by the provisions of the bill returned are

such as the constitution will not sanction—with that impression my assent has been withheld from the passage of the bill. N. NOBLE.

Which message having been read, was ordered to be spread upon the journals;

And thereupon the bill accompanying said communication was,
On motion of Mr. Willet, laid on the table.

A message from the Governor by Mr. Ketcham his private secretary.

MR. SPEAKER—

I am directed by his Excellency the Governor to inform the House of Representatives that on the 7th inst. he approved sundry acts, memorials, and joint resolutions, presented to him for approval, as follows:

No. 154—An act to authorize the sale of certain real estate of Joseph Swank deceased by the probate court of Montgomery county, under certain restrictions;

No. 152—an act to amend the several acts regulating the jurisdiction and duties of justices of the peace, in the county of Perry;

No. 101—An act to amend the act entitled an act to provide for the distribution of the Laws and Journals, and for other purposes, approved Feb. 10, 1831;

No. 84—An act in amendment of the act approved Jan. 22, 1824, entitled an act authorizing the seizure of boats and other vessels for debt; and the act in amendment of the same, approved Feb. 1, 1834;

No. 82—an act to regulate the Marion county seminary;

No. 71—an act further regulating the jurisdiction and duties of justices of the peace;

No. 153—A joint resolution relative to the 3 per cent. fund;

No. 147—an act to legalize the proceedings of the commissioner of a certain state road therein named, and for other purposes;

No. 86—an act to incorporate the White river bridge company;

No. 96—an act to authorize the re-location of the State road from Marion in Grant county to the town of Wabash, in Wabash county;

No. 114—An act to re-locate a part of the State Road from Greencastle, in Putnam county, to Carlisle, in Sullivan county;

No. 156—an act to curtail the expenses on the Michigan road;

No. 95—an act for the benefit of James Smith, commissioner of the seminary township of land in Gibson county;

No. 42—an act in furtherance of an act to provide a fund for the encouragement of common schools, approved Feb. 2, 1832;

No. 76—an act to amend an act to regulate the mode of doing county business in the several counties in this State, approved Jan. 19, 1831;

No. 94—An act to make a State road from Versailles to Rockford;

No. 32—an act in amendment to an act entitled an act concerning clerks, approved Feb. 1, 1834;

No. 60—An act to amend an act to organize probate courts, and defining the powers and duties of executors, administrators, and guardians, approved Feb. 10, 1831;

No. 13—An act to vacate a part of the State road leading from Corydon in Harrison county, to Troy in Perry county, and for other purposes;

No. 138—An act explanatory of the act to locate and establish a state road from Greensburgh to the falls of the Ohio river, approved Feb. 1, 1834;

No. 102—An act extending the time of final payment of the seminary lands, and for other purposes;

No. 112—An act to abolish imprisonment for debt in case of females;

No. 2—An act to incorporate the Lexington steam-mill company;

Which originated in the Senate—and,

No. 294—a joint resolution relative to the State library;

No. 319—A joint resolution of the General Assembly of the state of Indiana, relative to the purchase of a fire engine;

No. 310—An act supplementary to an act entitled an act to provide for the sale of certain lands therein named, approved February 2, 1833, approved January 7, 1835.

No. 214—An act to attach part of township 19, N. R. 4 E. to township No. 19, N. R. 5 E., and for other purposes;

No. 247—A memorial asking a grant of land from the United States for certain purposes;

No. 126—An act laying out all the unorganized territory to which the Indian title has been extinguished in this State, into a suitable number of counties, and for other purposes.

No. 292—A memorial and joint resolution to Congress on the subject of a canal down the valley of White river;

No. 311—An act making general appropriations for the year 1835;

No. 49—an act to declare a certain county road therein named, a State road;

No. 306—An act providing against trespassing animals;

No. 103—A joint resolution of the General Assembly of the State of Indiana relative to the Tippecanoe Battle Ground;

No. 175—A joint resolution for the relief of the Canal Commissioners;

No. 220—An act to amend an act entitled an act regulating the duties of justices of the peace, approved Feb. 10, 1831;

No. 264—An act to amend the act entitled an act incorporating congressional townships and providing for public schools therein, approved Feb. 2, 1833;

No. 206—An act to locate a state road from Lima to Huntington;

No. 84—An act to appropriate a part of the three per cent. fund in Monroe county;

No. 231—An act to establish a state road from Lafayette to intersect the state road leading from Lafayette to Chicago, at the Sugar Grove;

No. 219—An act to empower the board of commissioners of Vanderburgh county to convey certain property therein named;

No. 154—An act to incorporate the Logansport and Wabash Bridge Company;

No. 207—An act to incorporate the Turkey Plain Manufacturing Company;

No. 290—An act to vacate North Hampton, in Harrison county, and Lebanon in Jackson county;

No. 171—An act for the encouragement of Agriculture;

No. 181—An act to incorporate the Frankfort, Delphi, and Michigan Rail Road Company;

No. 291—an act to re-locate a certain State road in the counties of Hancock and Henry;

No. 175—An act to locate a state road from the county seat of Miami to the town of Rochester on the Michigan Road;

No. 302—An act supplemental to an act for the further prosecution of the Wabash and Erie Canal, and for other purposes, passed the present session of the Legislature;

No. 161—An act supplemental to an act entitled an act regulating the practice in suits at law, approved January 29, 1831;

No. 270—An act to authorize the location of a state road from Manheim in Adams county, to the eastern boundary of this State, in a direction to Wilshire in the State of Ohio;

No. 208—An act to declare a certain county road therein named a state road;

No. 235—An act to incorporate the townships in the county of Warren;

No. 269—An act making specific appropriations for the year 1835;

No. 41—A memorial and joint resolution relative to the establishment of a mail route from New Albany to Terre Haute, via Salem, Bedford, Springville, Bloomfield, and Fair-play;

No. 139—An act to provide for the appointment of a commissioner to expend the three percent. fund in the county of Kosciusko;

No. 267—An act to amend an act entitled an act regulating grist mills and millers, approved February 10, 1831;

No. 297—An act to amend an act entitled an act to incorporate the town of Madison, approved February 4, 1831;

No. 203—An act to amend an act relative to crime and punishment, approved February 10, 1831;

No. 22—An act for the formation of the county of Noble;

No. 284—An act supplementary to an act entitled an act to amend an act to re-locate a part of the state road from Levenworth to Paoli, approved Feb. 1, 1834—and an act to establish a state road from Rome in Perry county, to Paoli in Orange county, approved Feb. 1, 1834;

No. 191—An act to amend the several acts regulating the jurisdiction and duties of Justices of the Peace, in the counties therein named;

No. 265—An act to revive and continue in force a part of a certain act therein named;

No. 141—An act to amend an act entitled an act to provide for the election of county and township officers, approved Jan. 31, 1831;

No. 293—An act to vacate a part of the Brookville and Connersville state road;

No. 81—An act to amend an act entitled an act to regulate the ju-

risdiction and duties of justices of the peace, approved Feb. 10, 1831;

No. 309—An act to locate a state road from Centreville in Wayne county, to Connersville in Fayette county, and for other purposes;

No. 299—An act to amend an act declaring certain streams therein named public highways, and for other purposes, approved Feb. 10, 1831;

No. 104—An act to appropriate a part of the 3 per cent. fund;

No. 152—An act to incorporate the Western Literary Society in the county of Montgomery;

No. 209—An act to authorize the location of a state road from La-gros in Wabash county, to Economy in Wayne county;

No. 213—An act to relocate a state road from Logansport to Pigeon Prairie in Michigan Territory;

No. 243—An act to authorize the redemption of land returned to school commissioner for the non-payment of taxes in Jefferson county, and for other purposes;

No. 227—An act concerning the Wabash and Erie Canal Lands;

No. 308—An act to amend an act to regulate general elections;

No. 279—An act for the relief of William Anderson;

No. 239—An act to incorporate the town of Levenworth;

No. 185—An act to re-locate a part of the State road leading from Lafayette to Michigan city;

No. 300—An act to incorporate the Michigan City and Kankakee Rail Road Company;

No. 150—An act to provide for an equitable mode of levying the taxes of this state;

No. 312—An act supplemental to an act to provide for an equitable mode of levying the taxes of this state;

No. 268—An act to incorporate the Charlestown rail road company;

No. 82—An act to amend an act entitled an act to regulate the mode of doing county business in the several counties in this State, approved January 19, 1831;

No. 180—An act to incorporate the Indianapolis and Montezuma Rail Road Company;

No. 113—A joint resolution on the subject of the boundary line between Indiana and Michigan;

Which originated in the House of Representatives.

Mr. Leslie, from the committee on enrolled bills, reported that they did on this day present to His Excellency the Governor, for his approval and signature, acts and joint resolutions of the following titles:

No. 2—An act to incorporate the Lexington Steam Mill Company;

No. 60—An act to amend an act to organize Probate Courts and defining the powers and duties of Executors and Administrators and Guardians, approved February 10th, 1831;

No. 138—An act explanatory of the act to locate and establish a state road from Greensburgh, to the Falls of the Ohio river, approved Feb. 1, 1834;

No. 112—An act to abolish imprisonment for debt, in case of females;

No. 144—An act to re-locate a part of the state road from Green-castle in Putnam county, to Carlisle in Sullivan county;

No. 156—An act to curtail the expenses on the Michigan Road;

No. 213—An act to vacate a part of the state road leading from Corydon in Harrison county, to Troy in Perry county, and for other purposes;

No. 94—An act to make a state road from Versailles to Rockford;

No. 42—An act in furtherance of an act to provide a fund for the encouragement of common schools, approved February 2d, 1832;

No. 152—An act to amend the several acts regulating the jurisdiction and duties of Justices of the Peace, in the county of Perry;

No. 156—An act to authorize the sale of certain real estate of Joseph Swank, deceased, by the Probate Court of Montgomery county, under certain restrictions;

No. 102—An act extending the time of final payment of the seminary lands, and for other purposes;

No. 96—An act to authorize the re-location of the state road from Marion in Grant county, to the town of Wabash in Wabash county;

No. 32—An act in amendment to an act entitled an act concerning clerks, approved February 1, 1834;

No. 76—An act to amend an act to regulate the mode of doing county business in the several counties in this State, approved Jan. 19, 1831;

No. 95—An act for the benefit of James Smith, Commissioner of the seminary township of land in Gibson county;

No. 84—An act in amendment of the act, approved January 22, 1824, entitled an act authorizing the seizure of boats and other vessels, for debt, and the act in amendment of the same, approved February 1, 1834;

No. 71—An act further regulating the jurisdiction and duties of Justices of the Peace;

No. 86—An act to incorporate the White River Bridge Company;

No. 147—An act to legalize the proceedings of the Commissioners therein named, and for other purposes;

No. 82—An act to regulate the Marion county Seminary;

No. 101—An act to amend the act entitled an act to provide for the distribution of the Laws and Journals, and for other purposes, approved February 10th, 1831;

No. 153—A joint resolution relative to the three per cent. fund, and

No. 63—A memorial and joint resolution of the General Assembly of the State of Indiana, on the subject of the purchase of a tract of land from the United States.

Mr. Hargrove moved the following resolution, which was read and adopted:

Resolved, That a committee of two be appointed on the part of this House, to act with a similar committee on the part of the Senate, to wait on his Excellency the Governor, and inform him that both Houses of the General Assembly have gone through the Legislative business of the present session, and are now ready to adjourn sine die, if he has no further communications to make to them, and that the Senate be

informed of the adoption of this resolution, and a similar one requested on their part.

Ordered, That Messrs. Hargrove and Strain be a committee in pursuance thereof.

A message from the Senate by Mr. Morris their Secretary:

MR. SPEAKER—

The Senate reciprocate the resolution of the House, appointing a committee to wait on his Excellency the Governor, and inform him that both Houses of the General Assembly are now ready to adjourn sine die, and to know of him if he have any further communications to make to them. Messrs. Morgan and Feeny are appointed the committee on the part of the Senate.

Mr. Hargrove made the following report:

The joint committee which were appointed to wait upon his Excellency the Governor, now report that they have performed the duty assigned them, and have received for answer, that he has no further communication to make to the present General Assembly.

A message from the Senate by Mr. Morris their secretary:

MR. SPEAKER—

The Senate has adopted the following resolution:

Resolved, That the House be informed that the Senate has gone through the legislative business of the present session, and is now ready to adjourn sine die.

On motion of Mr. Bennett,

The House reciprocated the resolution named in the above message.

Ordered, That the clerk inform the Senate thereof.

Which having been communicated to the Senate,

Mr. Wallace thereupon moved that the House do now adjourn, sine die.

Whereupon the Speaker rose and delivered to the House the following valedictory address:

Gentlemen of the House of Representatives:

The time has arrived when our deliberations must close, and I should be greatly wanting in courtesy were I not to notice with respect the flattering resolution you have adopted. The duties of the Chair have been more arduous than at any previous session, and it could not have sustained itself had it not been for the liberal support from that body which I have had the honor to preside over. The time we have been employed in legislation has been protracted somewhat beyond the ordinary time consumed in preceding sessions. Taking into view, however, the necessary accumulation of business which naturally grows out of the rapid increase of population in our state (for as we increase in numbers the objects of legislation will increase in an equal ratio,) the additional week added to the session cannot be a matter of surprise to

any. The spirit of internal improvement is abroad in the land, and a commencement has been made in Indiana. Our local situation in the Union, the fertility of our soil, the super-abundant productions of our country which are annually increased by the fostering hand of industry, forcibly admonish us that facilities for transportation to foreign markets will ultimately be called for by the great mass of the community; and when we reflect with what ease and diminished expense they can be constructed in our own state compared with others, no doubt can remain as to the policy which ought to be pursued by her legislators.— We occupy the position of a forlorn hope, thrown far in the advance in a wild waste of wilderness, where no retreat can be anticipated with success, and where to remain stationary would be disastrous. We must therefore avail ourselves of our resources with prudence and fortitude, and construct those facilities which will answer the demands of the country, and which will be looked upon in after time as durable monuments of our country's prosperity and enterprize.

I am fully sensible that some feelings of an unpleasant nature have, on very important and exciting subjects, been manifested in this House; but I indulge the fond hope that those sensations of excitement have passed away with the causes that gave rise to them, and that nothing will be permitted to pass these walls and be carried with us to our families and friends, but those pleasurable emotions which originate from the remembrance of the most friendly and grateful associations; and this much I am constrained to say for myself, that I feel the most anxious solicitude for the friendship and welfare of every member of this body with whom I have so long associated, and that if any errors have happened in the discharge of the arduous duties of my official station, that you will kindly throw over them that mantle of charity which hides so many faults, and reflect one moment upon the truth and applicability of that divine precept which says, "to err is human, to forgive divine."

But I am sensible that your anxiety to see your families and friends will not brook any longer delay. We must part, and to some of us, if we are admonished by the circumstances that daily surround us, that parting may be forever, and another opportunity may not be presented to shake the social hand of friendship this side the portals of that eternity to which we are all hastening.

Gentlemen, each member of this House carries with him my best wishes, believing as I do that when surrounded with his family and friends he will at that moment be made to forget all his difficulties at this place.

And then the House adjourned *sine die*.

ALBERT S. WHITE,

Clerk of the House of Representatives.

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BILLS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

636

Number.	BILLS OF THE HOUSE OF REPRESENTATIVES.	Introduced.	Proceedings in committee of the whole, and in the House.	Passed Ho.	Passed Sen.	Other proceedings.	Approved.
1	A bill to authorize a special election of school trustees in Rush county	10	36	36			206
2	A bill to repeal a certain act therein named	11	105				218
3	A bill to legalize the sale of a certain school section therein named	44	105	105	154	172, 202	206
5	A bill to legalize the election of trustees	52	105, 135	177	200	212, 216	324
6	A bill for the relief of John Pettley	52	105	105	154	181, 202	
7	A bill to incorporate the Vincennes medical society	52	105	176	227	278, 313	
	A bill to divorce George Beck from his wife Mary Beck	52	105				
	A bill to authorize St. Joseph circuit court to hold a special session	53		53	82	101, 128	
10	A bill to legalize the election of probate judge of Miami county	57	138	177	211	226, 267	282
11	A bill for the relief of Peter Whitesell	59	138	177	200	212, 216	218
12	A bill to repeal a part of the 1st Sec. of act locating State road from Terre Haute by the way of Rockville, to Crawfordsville	59	138	177	200	212, 216	218

13	A bill to establish a certain road therein named a state road	59	138	177	200	212, 216	218
14	A bill to provide for the election of one justice of the peace in the towns therein named	59		138	182	190, 203	206
15	A bill to attach certain territory therein named	61	138, 142	177	200	212, 216	218
16	A bill to exempt certain lands from taxation	80	174				
17	A bill for opening and repairing public roads and highways in the several counties &c.	84	138, 169, 333, 587				
18	A bill to locate a state road from South Bend to Huntington	84	139	177	200	212, 216	218
19	A bill to locate a state road from the town of La- porte to the western boundary of the state	84	138	177	200	212, 216	218
20	A bill to locate a state road from Levenworth to Sa- lem	84	138	177	227	278, 320	324
21	A bill for the relief of Nathan Padgett	84		176	410	411, 431, 454, 467	517
22	A bill for the formation of the county of and for other purposes	85	139, 150, 177, 192, [223, 311]	311	564	569, 616, 618	629
24	A bill to legalize the proceedings of county board of Owen county	88		171	191	206, 217	218
25	A bill to alter and change a certain state road there- in named	95	138	177	200	212, 216	218
26	A bill to amend an act for opening public roads and highways	95	139, 169, 333				
27	A bill for the relief of Moses Strong	95		176	211	226, 267	282
28	A bill to extend the provisions of an act therein named, to Gibson county	95	138	177	227	282, 326, 336	337

BILLS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

Number.	BILLS OF THE HOUSE OF REPRESENTATIVES.	Introduced.	Proceedings in committee of the whole, and in the House.	Passed Ho.	Passed Sen.	Other proceedings.	Approved.
29	A bill amendatory of an act to appropriate part of the three per cent. fund	95					218
30	A bill to re-locate a certain state road therein named	101	138	176	190	205, 217	218
31	A bill to authorize the board of commissioners of Scott county to make certain appointments	103		176			
32	A bill to amend the act to provide for the inspection of salt, beef, and pork	103	104, 135	176	410	411, 443, 442	461
33	A bill to change the time of holding the probate court in Delaware county	104		104	154	172, 203	206
34	A bill to repeal the act for the encouragement of education	104	139				
35	A bill for the relief of John G. Davis	104	139, 150				
36	A bill to amend the act concerning vagrants	129	146, 586	177	212	226, 267	282
37	A bill to provide for the sale of certain school lands therein named	134					
38	A bill to amend the act to provide a fund to encourage common schools			198	483	511, 577, 599	613
39	A bill appropriating certain moneys accruing to	134	198, 272, 277	321			

40	Crawfordsville, to the purpose of building a market house, and improving the streets of said town	135	199	272	315	363, 395	398
	A bill to locate a state road from Petersburg to Carlisle <i>via</i> Bruceville	136	199	272	315	364, 395	398
42	A bill to repeal a part of the 85th section of the act relative to crime and punishment	137	199				
43	A bill to change the times of holding the circuit courts in the 7th circuit	137					
44	A bill to incorporate the Fort Wayne & Laporte Clay Turnpike Company	137	199	272	451	458, 568, 599	618
45	A bill amending act regulating practice in chancery	141	199, 300	338	422	450, 469, 522	550
46	A bill to authorize the seminary trustee of Morgan county to loan certain money &c.	141		179	188	199, 209	218
47	A bill to amend the act to provide for sale of certain lands therein named	141	166, 168	169	227	278, 313	324
48	A bill to change the mode of doing county business in Decatur county	142	300				
49	A bill to declare a certain county road therein named, a state road	142	180	272	564	624, 624	628
51	A bill to am'd act for assessing & coll. the revenue	146	300	338			
53	A bill to amend th act organizing supreme court, &c.	146	406				
54	A bill granting licenses in certain cases therein named	146	175	272			
55	A bill to repeal a certain act therein named	149	406				
56	A bill to locate a state road from Slate ford to Jeffersonville	150	407				

BILLS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

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Number.	BILLS OF THE HOUSE OF REPRESENTATIVES.	Introduced.	Proceedings in committee of the whole, and in the House.	Passed Ho.	Passed Sen.	Other proceedings.	Approved.
57	A bill to locate a state road from Corydon to Livonia	151	408, 415	415			
58	A bill to amend the act to subject real and personal estate to execution	153	{ 220, 268, 273, 275, 275, 279, 281, 321, 322				
59	A bill to amend the act organizing supreme court	153	408				
61	A bill to repeal part of an act supplemental to act incorporating Vincennes	156	413	453	512	567, 599	613
62	A bill to amend the act for the encouragement of education	156	413, 454, 472	585			
63	A bill to locate a state road from the north line of the state in the direction of Chicago	156	418				
64	A bill to attach certain territory to the county of Warren &c.	165	177, 407	451		494, 522	
65	A bill to amend the act to provide for draining swamps &c. in Tippecanoe county	165	418	453	512	514, 588, 608	621
66	A bill to authorize president and directors of F. and M. Bank of Indiana to collect debts &c	165		166	191	206, 217	218
67	A bill to establish a rolling penitentiary	168					

68	A bill to amend the act for the relief of the securities of certain officers	169	418	453	527	602, 619	621
69	A bill to authorize the trustees of Edb sch. district &c. to app. \$50 for school house	169	418	453			
70	A bill to amend the act regulating the taking up of animals astray &c.	169	418, 481				
71	A bill to amend the act to appropriate a part of the three per cent. fund	177		178	191	217	218
72	A bill to transfer the appropriation of certain moneys therein named	178		272	315	364, 395	398
73	A bill to re-locate a part of the state road from Levenworth to Paoli, &c.	178		178	451	458, 514, 587, 608	622
74	A bill providing for the holding terms of the circuit court in the 8th circuit	179		272	450	494	518
75	A bill relative to writs of mandamus, procedendo, and prohibition	180	418	453			
76	A bill to amend act regulating taking up animals going astray &c.	180	418	529	554	575, 598	614
77	A bill to locate a state road from New Harmony to Evansville	180	419, 481	453	512	551, 566	597
78	A bill to define and establish certain streets in the town of Lanesville &c.	180	418	419	439	551, 566	598
79	A bill to incorporate the Madison water and manufacturing company	180		192			
80	A bill to amend the act allowing and regulating writs of <i>ad quod damnum</i>	182	419	576			

BILLS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

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BILLS OF THE HOUSE OF REPRESENTATIVES.		Introduced.	Proceedings in committee of the whole, and in the House.	Passed Ho.	Passed Sen.	Other proceedings.	Approved.
Number.							
81	A bill to amend the act regulating jurisdiction &c. of justices of the peace	182	419	542	581	617, 918	629
82	A bill to amend the act to regulate the mode of doing county business, &c.	183	419	587	611	614, 620, 621	630
83	A bill to abolish imprisonment for debt	183	{ 187, 308, 311, 321, 340, 541, 598				
84	A bill authorizing the laying off into seminary districts the several counties therein, &c.	183		426	468	516, 588, 608, 625	
87	A bill to incorporate the Buffalo and Mississippi rail road company	187	329	338	451	458, 551, 566	602
88	A bill to enable the commissioners of Cr. cty. to appoint a school com'r for a certain township	187	420	508			
90	A bill to abolish the office of ag't of the 3 per cent fund	187		187	401	433, 442	461
92	A bill reducing the fees of recorders in the counties of Washington, Orange, &c.	193	455	456			
93	A bill to amend the act to estab. and regulate ferries	193		502			
94	A bill declaring a certain road, therein named, a state road	194		502	527	551, 558	597

95	A bill to legalize the proceedings of the coms'rs on a certain state road therein named . . .	194	501	527	575, 599	614
97	A bill to repeal the 2d sec. of the act to regulate taverns and groceries . . .	200	503			
98	A bill to improve the navigation of Eel river in the county of Clay . . .	200		527	567, 599	613
99	A bill to amend the act to regulate the mode of doing county business, &c. . .	201		527	575, 599	613
100	A bill to amend the act supplementary to the act for the sale of a reserved section, &c. . .	201	431			
101	A bill to establish a state road in Dearborn county . . .	201		315	364, 395	398
102	A bill to amend the 50th sec. of the act for assessing and collecting the revenue . . .	201	503	504		
104	A bill to appropriate a part of the Three per cent. Fund . . .	202	504	532	616, 618	630
104	A bill to change a state road in Perry county . . .	216		527	575, 599	613
105	A bill for the relief of purchasers of Michigan road and canal lands . . .	216		527	576, 599	613
107	A bill for the relief of Nathan Harlan . . .	221		273	291, 313	324
108	A bill to exempt the Rising Sun fire engine company from military duty . . .	221		221		
109	A bill to attach certain territory therein named to the county of Lagrange . . .	221	273, 276, 311			
111	A bill to incorporate the town of Newport in the county of Wayne . . .	226		532	602, 619	621
112	A bill to continue in force an act for the benefit of					

BILLS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

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Number.	BILLS OF THE HOUSE OF REPRESENTATIVES.	Introduced.	Proceedings in committee of the whole, and in the House.	Passed Ho.	Passed Sen.	Other proceedings.	Approved.
114	persons who are likely to suffer by the destruction of the records of Spencer county . . .	228		229	282	323, 336	337
116	A bill to amend the act incorporating Congressional townships, &c.	237		509	527	587, 608	622
117	A bill amendatory of an act for opening and repairing public roads and highways	268	509				
118	A bill to authorize the location of a state road from Indianapolis to Peru, &c.	268	509	510	528	551, 566	597
119	A bill to establish a state road from Alexander Cox's in Morgan county, to Indianapolis	268		510	527	575, 599	613
120	A bill to amend the 3d section of the act entitled an act to establish a state bank	268	510				
121	A bill providing for the re-location of the seat of justice of Dearborn county	268	473	474	518	551, 566	597
122	A bill to incorporate the Spencer steam mill company	269		321	439	567, 599	614
	A bill to amend the act regulating jurisdiction and duties of justices of the peace	271	291, 302				

BILLS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

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Number.	BILLS OF THE HOUSE OF REPRESENTATIVES.	Introduced.	Proceedings in committee of the whole, and in the House.	Passed Ho.	Passed Sen.	Other proceedings.	Approved.
137	A bill changing the name of Travis Adcock & others	290		338	370	424, 432	435
138	A bill changing the time of holding the Probate court in the county of Pike	290		290	315	364, 395	
139	A bill organizing the boundry's. of the ct'y of Kosciusko	291	340	363	450	{ 515, 523, 561, 563,	
140	A bill attaching N. E. qr. of Sec. 4 t. 4 N., R. 8 east to the county of Jennings	291	340	363	483	{ 594, 617, 619	629
141	A bill to amend the act providing for the election of county and township officers	294		529	580	540, 566	597
142	A bill to amend the act to incorporate the South Bend Bridge Company	294		338	524	616, 618	629
143	A bill to incorporate the Dearborn Co. Seminary	295		338	370	588, 608	621
144	A bill to amend the act for the relief of insolvent debtors	296	585	338	370	424, 432	435
145	A bill to vacate a part of the Madison and Indianapolis state road	297	530, 570				
146	A bill to locate a state road from Rockport to the head of French Island	297		502	228	588, 607	622
147	A bill to locate a strd. from Brookville to Richmond	298		338	451	494, 522	

148	A bill to establish a state road from Connersville to St. Omer and Columbus	298	338	450	588, 608	622
149	A bill authorizing a loan for the improvement of roads and pledging the 3 per cent. fund &c. . .	299				
150	A bill to provide for an equitable mode of levying the taxes of this state	300	{ 331, 367, 521, 538, 554, 565, 568 343, 353, 363, 370, 383, 388, 400			
150	A bill supplemental to an act to authorize Hancock circuit court to hold special session . . .	301		593	616, 618, 624	630
151	A bill to authorize the counties therein named to elect certain officers &c.	304	335	302	312, 320	324
152	a bill to incorporate the Western Literary Society in the county of Montgomery	307				
154	A bill to incorporate the Logansport and Wabash Bridge Company	303	530	581	616, 618	630
155	A bill to incorporate the Mishawaka Bridge Comp. .	308	530, 531	581	617, 619	628
156	A bill for the relief of Asa Smith and others . .	308	325	370	424, 432	435
157	A bill to amend the act to encourage the killing of wolves	308		451	551	597
158	A bill to amend the act to incorporate the town of Lafayette	318				
159	A bill to establish a certain state road in Delaware and other counties	318		451	494, 521	550
160	A bill to incorporate the Washington county Trading and manufacturing Company	319	364, 413	513	567	613
161	A bill supplemental to an act regulating practice in suits at law.	319		432	435, 442	
		533		582	{ 591, 602, 609, 611, 620, 620,	629

BILLS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

Number.	BILLS OF THE HOUSE OF REPRESENTATIVES.	Introduced.	Proceedings in committee of the whole, and in the House.	Passed Ho.	Passed Sen.	Other Proceedings.	Approved.
162	A bill to amend the act for the inspection of flour &c.	319		319		494, 521	50
164	A bill concerning witness fees in criminal cases . . .	320	586				597
166	A bill to authorize the trustees of Connorsville to lay off a certain street . . .	327		363	483	551, 566	622
167	A bill to locate a state road commencing in Sullivan county, thence &c.	328		338	439	449, 588, 608	550
168	A bill for the relief of Jesse Daver of Monroe co. . .	328				494, 521	597
169	A bill to declare a certain county road therein named, a state road	328		340	451	540, 566	
170	A bill to authorize M. E. Israel to build a bridge over Hogan creek &c.	328					614
171	A bill for the encouragement of agriculture . . .	329		328	452	458, 515, 567, 599	629
172	A bill to amend the act to regulate the mode of doing county business &c.	329	586	533	581	616, 618	
173	A bill to amend the act to regulate the mode of doing county business	330	372				
174	A bill to locate and establish a certain state road therein named, and for other purposes . . .	330		338	451	540, 566	597

175	A bill to locate a state road from the county seat of Miami county, to Rochester on the M. R.	331		533	581	617, 619	629
177	A bill to amend the act to provide for the election of county and township officers	332	534				
178	A bill to locate and establish a state road from Turkey Plain to Wolf Lake	333		533			
179	A bill to provide for opening &c. public roads and highways in the co's of Orange and Crawford	333		333			
180	A bill to incorporate the Indianapolis and Montezuma Rail Road Company	334	362, 426, 427	427	483	511, 616, 618	630
181	A bill to incorporate the Frankfort, Delphi, and Michigan Rail Road and Turnpike Company	334		533	581	617, 618	629
182	A bill to extend a state road to Haydon's ferry	334		363	451	540, 566	597
183	A bill to incorporate the Salem and Ohio Turnpike Company	334		335	386	433, 442	
184	A bill to appropriate a part of the three per cent. fund in Monroe county	335		533	581	616, 618	628
185	A bill to re-locate a part of the state road from Lafayette to Michigan City	335		533	581	624, 624	630
186	A bill to amend the act authorizing the appointment of constables	335		363			
187	A bill to amend the act to encourage the killing of wolves	335	534	591			
188	A bill to locate a certain state road therein named	336		363	401	433, 442	461
189	A bill to incorporate the Greencastle Steam Mill and Manufacturing Company	336		336	370	387, 395	398

BILLS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

BILLS OF THE HOUSE OF REPRESENTATIVES.		Introduced.	Proceedings in committee of the whole, and in the House.	Passed Ho.	Passed Sen.	Other proceedings.	Approved.
190	A bill to provide for the next apportionment, and for furnishing &c.	336	420, 528				
191	A bill to amend the several acts regulating the jurisdiction and duties of justices of the peace	337	363	379	581	{ 601, 605, 612, 615, 620 620,	629
192	A bill to establish a state road in the county of Switzerland	343		343	483	551, 566	598
194	A bill to provide for the Wabash and Erie canal and for the commencement of a general system of internal improvement	348	{ 355, 375, 379, 428, 432, 434, 434, 435,				
196	A bill to amend the act to incorporate the Franklin county seminary	353	{ 439, 443, 598	353	483	588, 608	621
198	A bill to change the time of holding courts in the 6th judicial circuit	356		356	432	438, 494	518
199	A bill to locate a state road from Laporte to the western boundary of the State	360		360	410	433, 442	461
200	A bill concerning the town of New Albany	360		360			
201	A bill to repeal a part of an act entitled an act declaring Mississinewa navigable, &c.	362	407				

202	A bill declaratory of the law and for the more perfect administration of justice &c.	372	536	537	613	617, 619	629
203	A bill to am'd act relative to crime and punishment	372	536				
204	A bill to amend the act regulating distress for rent	373	537				
205	A bill to amend the act organizing probate courts, &c.	374	537				
206	A bill to locate a state road from Lima, &c. to Huntington	374			586	611	616, 618
207	A bill to incorporate the Turkey-plain manufacturing company	375			549	581	617
208	A bill to declare a certain county road, therein named, a state road	375			540	581	616, 618
209	A bill to locate a state r'd from Gosken to Richmond	375			530	582	594, 617, 619
210	A bill to appropriate certain moneys out of 3 per cent. fund, and for other purposes	387	457, 479				
211	A bill for the relief of Benj. Booe, Martillo Remington, and estate of Barnabas Crosby	396			396	410	435, 442
212	A bill to amend the act to incorporate the Indianapolis and Lawrenceburg rail road company	396	{	417, 454, 457, 480,			461
213	A bill to re-locate part of the state road leading from Logansport to Pigeon Prairie, &c.	396		574			
214	A bill to attach part of township 19 N. R. 4. E. to t. 19 N. R. 5 E., and for other purposes	396			592	609	620, 620
215	A bill to amend the act regulating the fees and salaries of certain officers	396	587		582	606	616, 617
216	A bill relative to the jurisdiction of justices of the peace in Clay county	396			396	410	433, 442
							461

BILLS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

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Number.	BILLS OF THE HOUSE OF REPRESENTATIVES.	Introduced.	Proceedings in committee of the whole, and in the House.	Passed Ho.	Passed Sen.	Other proceedings.	Approved.
217	A bill to amend the act incorporating congressional townships, &c.	397		406			550
218	A bill declaring a certain act, therein named, in force, and for other purposes	397		406	432	494, 521	628
219	A bill to empower the board of commissioners of Vanderburgh county to convey property, &c.	397		592	609	616, 617	628
220	A bill to amend the act regulating the duties of justices of the peace	397		576	606	616, 617	621
221	A bill to incorporate the Wayne and Union turnpike company; and Centreville turnpike company	397	412	453	517	602, 619	621
222	A bill to locate and establish a state road from Michigan town to Andersontown	397		406	451	494, 521	621
223	A bill to establish the name of Jefferson Nelson Redman and family	397		406	512	514, 588, 608	597
224	A bill to provide for the Wabash and Erie canal, and for the commencement &c.	398					
225	A bill to give the circuit court of Fayette county jurisdiction in a certain case	401		402	483	551, 566	

226	A bill to amend the act to authorize agent of state to lay off land, &c., and offer same for sale - - -	405
227	A bill to provide for the sale of certain lands on the donation adjoining Indianapolis - - -	405
229	A bill concerning the Wabash and Erie canal lands - - -	406
230	A bill to incorporate the Leesville steam mill comp'y - - -	413
231	A bill to establish a state road from Lafayette to intersect &c. at Sugar creek grove - - -	414
232	A bill requiring the county of Cass to pay to the county of Miami the revenue, &c. - - -	414
233	A bill to provide for the location of a state road from Marion to Huntington - - -	414
234	A bill to incorporate the townships in the county of Warren - - -	414
235	A bill supplemental to an act to extend the provisions of an act &c. to Marion county - - -	414
236	A bill to amend the act to encourage the killing of wolves - - -	414
237	A bill to alter a part of the Martinsville and Crawfordville state road lying, &c. - - -	415
238	A bill for the relief of the heirs of Allen Major, late of Shelby county, deceased - - -	416
239	A bill to incorporate the town of Levenworth - - -	416
240	A bill to amend the act to locate a state road from	

417	613	620, 621	630
453	518	588, 608	622
414	450	494, 522	550
592	610	616, 617	628
414	450	494, 522	550
414	451	551, 566	597
534	595	616, 618	629
453	518	588, 608	621
453			
416	454	454, 467	517
416	451	551, 566	597
584	610	620, 620	630

BILLS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

Number.	BILLS OF THE HOUSE OF REPRESENTATIVES.	Introduced.	Proceedings in committee of the whole, and in the House.	Passed Ho.	Passed Sen.	Other proceedings.	Approved.
241	Greencastle to Carlisle - - - - - A bill to provide for the location of a state road therein named - - - - -	416 424		416 424	439 439	449, 588, 608	622 597
242	A bill for the formation of Brown county - - - - -	425		425	439	551, 566	
243	A bill to authorize the redemption of land returned to school com's'r for non-payment of tax, &c. - - -	425		508	583	594, 616, 618	630
244	A bill to revive and continue in force for a limited time the Farmers' and Mechanics' bank of Ind. - -	426	452, 549	426	468	551, 566	597
245	A bill to legalize certain acts therein named - - -	426		427	483	540, 566	598
246	A bill supplementary to the act for the relief of John G. Davis, &c. - - - - -	427		427			
248	A bill authorizing certain acts therein named - - -	427					
249	A bill to provide for a survey and estimate of cost of a continuation of the Wabash and Erie canal - -	457	594				
250	A bill to establish a certain state road therein named - -	468		469	517	575, 599	613
251	A bill to vacate the town of New Lexington - - -	469		469	517	551, 566	597
252	A bill to amend the act declaring certain streams, therein named, public highways - - - - -	470	470, 494, 577	470			

253	A bill to amend the act to provide for the improvement of the Wabash river	470		520	595	
254	A bill supplemental to the act for the appointment of trustees to receive deeds, &c.	470				
255	A bill to amend the act concerning free negroes and mulattoes, servants and slaves	471				
256	A bill to authorize the increase of the revenue of Jackson county	471		471		
257	A bill amendatory of the act regulating the practice in suits at law	471		582		
258	A bill authorizing the school commissioner of Lawrence county to re-value, &c.	471		471	517	588, 608
259	A bill to authorize the inhabitants of Congressional township No. 9 &c. to elect commissioner, &c.	472		574		
260	A bill to amend the act to organize &c., the militia	472	585			
261	A bill for the relief of John S. Barnes	472		574		
262	A bill to re-locate a part of a st. road therein named	474				
263	a bill to provide for the expenditure of a part of the three per cent. fund appropriated to Shelby and Rush counties, and for other purposes	475		475	518	588, 608
264	A bill to amend the act incorporating congressional townships &c.	480				621
265	A bill to revive and continue in force a part of a certain act therein named	480		480	612	617, 619
266	A bill to locate a state road therein named	480		480	583	616, 618
267	A bill to amend the act regulating grist mills &c.	480		480	518	575, 599
		480	513	514	564	569, 616, 618

BILLS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

656

Number.	BILLS OF THE HOUSE OF REPRESENTATIVES.	Introduced.	Proceedings in committee of the whole, and in the House.	Passed Ho.	Passed Sen.	Other Proceedings.	Approved.
268	A bill to incorporate the Charlestown rail road comp.	482		574	596	617, 618	630
269	A bill to amend act regulating jurisdiction and duties of j. p. - - - - -	482		529			
269	A bill making specific approp. for the year 1835 - - -	494	523, 555	572	600	{ 603, 607, 611, 615, 619, 620	629
270	A bill to authorize the location of a state road from Manheim to the eastern boundary of the state - -	507		507	611	620, 621	629
271	A bill to locate a certain state road therein named - -	507		507	528	551, 566	597
274	A bill to change the name of Hannah Nash to Hannah Hardin - - - - -	510		510	528	588, 608	621
275	A bill supplemental to an act to change a part of the state road leading from New York &c. - - - -	510		510	528	551, 566	597
276	A bill for the benefit of Warrick county - - - - -	510		510	528	575, 599	614
277	A bill to locate a state road in Posey and Vanderburgh counties - - - - -	513		513	532	588, 608	622
278	A bill supplementary to the act authorizing &c. to sell certain real estate - - - - -	516		516	528	575, 599	614
279	A bill for the relief of William Anderson - - - -	519		519	611	620, 621	630
280	A bill supplementary to an act establishing a s. bank	520	578	579			

282	A bill to amend the act to locate certain state roads therein named	524
283	A bill to legalize the election of trustees for the town of Logansport	524
284	A bill to authorize the building a bridge over Sugar creek at the narrows	524
286	A bill supplementary &c. to the act to re-locate a part of the road from Levenworth to Paoli	524
287	A bill relative to public squares in county seats	525
288	A bill to amend the act for the relief of the poor	526
289	A bill to prevent the sale of ardent spirits to labourers on the Wabash and Erie canal	526
290	A bill to vacate the town of Northampton, and the towns of Lebanon &c.	530
291	A bill to re-locate a certain state road in the counties of Hancock and Henry	531
293	A bill to vacate a part of the Brookville and Connorsville state road	541
295	A bill making an apportionment of representation in certain counties	547
296	A bill to amend the several acts relative to the corporation of Madison	547
297	A bill to amend the act to incorporate the town of Madison, approved Feb. 4, 1831	547
298	A bill to attach certain territory to the county of Cass	548

524	532	588, 608	622
524	532	588, 608	
524	564	570, 595, 607	621
524	564	569, 616, 618	629
526	532	588, 608	621
530	596	624, 624	629
531	581	624, 624	629
542	586	619, 620	629
547	581	617, 618	629

BILLS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

658

Number.	BILLS OF THE HOUSE OF REPRESENTATIVES.	Introduced.	Proceedings in committee of the whole, and in the House.	Passed Ho.	Passed Sen.	Other proceedings.	Approved.
299	A bill to amend the act declaring certain streams public highways	548		548	581	616, 618	630
300	A bill to incorporate the Michigan city and Kankakee rail road company	548		548	583	617, 619	630
301	A bill to amend the act to incorporate congressional townships &c.	548	592				
302	A bill supplemental to the act for the further prosecution of the Wabash and Erie canal	552		553	583	603, 609, 620, 620	629
303	A bill to amend the act for the relief of the securities of certain officers	557		557			
304	A bill to amend the act to organize and regulate the militia	558		558			
305	A bill to amend the act incorporating congressional townships &c.	559		559			
306	A bill providing against trespassing animals	559		559	595	619, 620	628
307	A bill to amend the act regulating weights and measures	559		559			
308	A bill to amend the act regulating general elections	559		559	612	620, 621	630

309	A bill to locate a state road from Centreville to Con- nersville	559	559	620, 620	630
310	A bill supplementary to the act to provide for the sale of certain lands	559	559	617, 619	628
311	A bill making general appropriations for the year 1835	560	574	620, 620	628
312	A bill supplemental to an act to provide for an e- quitable mode of levying taxes	569	569	616, 618	630
313	A bill for the better regulation of district schools in the counties of Henry and Wayne	578	578		
314	A bill to amend the act concerning free negroes, mu- lattoes, servants, and slaves	584			
315	A bill to amend the act to establish a state library	585			
316	A bill amendatory of the several acts concerning the Indiana College	591			
317	A bill giving to county treasurers' receipt the same validity as licenses	600	591		

BILLS WHICH ORIGINATED IN THE SENATE.

Number.	TITLES.	Reported fr'm Sen.	Proceedings in committee of the whole and in the House.	Passed H. of R.	Other Proceedings.	Approv- ed.
1	A bill to locate a state road in Switzerland county -	58	138	177	190, 200	
2	A bill to incorporate the Lexington steam mill company -	451	457	573	623, 630	628
4	A bill to vacate the town of Bairdstown, in Harrison county -	103		139	181, 200	
5	A bill for the benefit of the heirs of J. H. Farnham, dec'd, &c.	140		140	181, 200	
6	A bill for the organization of Wabash county -	154		408	416, 424, 432	435
7	A bill to locate a state road from Decatur county to the Nation- al road, in Henry county -	140	300	338	363, 375	398
12	A bill to change the time of holding the circuit court in the counties of Vermillion and Parke -	352		396	401, 413, 432	435
13	A bill to vacate a part of the state road from Corydon to Troy, and for other purposes -	171	418	455	494, 522	550
14	A bill to amend the act to incorporate the Switzerland county seminary -	182		419	433, 442	462
16	A bill to provide for taking the enumeration of the white male inhabitants above the age, &c.	191	420, 420, 528	529	568, 599	614
17	A bill to authorize the president and managers of the New Al- bany school to sell certain real estate -	182		419	433, 442	462
18	A bill to change the mode of electing com'r in c'ty of Fountain	191		191	212, 217	219
19	A bill to amend the act to provide for the improvement of the Wabash river -	182	419, 506	507	525, 567	598

22	A bill for the relief of Jeremiah Johnston of Marion county	191	191	205, 216	219
24	A bill to vacate a part of a certain state road therein named	191	192	433, 442	462
25	A bill to authorize the Hancock cir. ct. to hold a special session	176		179, 190, 200	
26	A bill for the relief of the collector of the state revenue in the county of Perry for the year 1834	206			
27	A bill in amendment to the act for assessing the revenue	227	508		
32	A bill to amend the act concerning clerks	212		623, 631	627
33	A bill to authorize the Clinton cir. ct. to hold a special session	200		206, 217	219
34	A bill in relation to school commissioner's deeds	211		525, 567	598
35	A bill to amend the act regulating trials of the right of property	223	272	291, 313	324
36	A bill to provide an additional place of holding elections in Tobin township, Perry county	211		525, 567	598
37	A bill explanatory of an act to appropriate a part of the three per cent. fund	211		525, 567	598
38	A bill to amend the act to regulate marriages	250	530	570, 588, 607	622
42	A bill in furtherance of an act to provide a fund for the encouragement of common schools	451	562, 572	589, 623, 631	627
44	A bill in relation to the taking of depositions	483		602, 619	622
45	A bill to amend the act to establish a college in the state of Ind.	409		431, 433, 442	462
47	A bill supplemental to an act &c, approved Feb. 1, 1834, to amend an act entitled "an act to provide for the commissioning of sheriffs, coroners, &c."	227	509		
51	A bill to establish a state road from Salisbury, in Harrison county, to Greenville	409		433, 442	462
53	A bill to repeal part of an act to provide for the removal of obstructions in Eel river	314		332, 353	368

BILLS WHICH ORIGINATED IN THE SENATE.

Number.	TITLES.	Reported fr'm Sen.	Proceedings in committee of the whole and in the House.	Passed H. of R.	Other proceedings.	Approved.
57	A bill for the benefit of Alexander Lowrey . . .	468		506	525, 567	598
58	A bill declaring a certain road, therein named, a state road . . .	373	537	545	582, 588, 607	622
60	A bill to amend the act to organize Probate courts, &c. . .	314	479	480	582, 623, 630	627
61	A bill for the relief of William McKimm, and to change the name of Newburgh to Spartanburgh . . .	323		533	568, 599	614
64	A bill incorporating the Carlisle school society . . .	323		323	340, 368	398
67	A bill to incorporate the Philomathean society . . .	323		533	568, 599	614
70	A bill to make a state road from Brownstown to Madison . . .	409				
71	A bill changing the times of holding cts. in the 2d judicial cir. . .	323				
71	A bill further regulating the jurisd'n and duties of jus. of the peace . . .	596		597	623, 631	627
72	A bill to amend the act to organize and regulate the militia of the state of Indiana . . .	422	592			
73	A bill to am'd act to provide for electing co. and t'nship officers . . .	422	592			
75	A bill supplemental to the act legalizing election of pro. judges . . .	332		332	363, 395	398
76	A bill to amend the act to reg. the mode of doing c'ty busin's, &c. . .	422	593	605	611, 623, 631	627
77	A bill giving to treasurers' receipts the same validity in evi- dence as licenses . . .	422	593			
80	A bill to make a state road from Rockford to Jackson's saline . . .	409	412	412	431, 433, 442	461
82	A bill to regulate the Marion county seminary . . .	422		593	623, 631	627
84	A bill to amend the act author'g the seizure of boats &c. for dt. . .	596		596	623, 631	627

86	A bill to incorporate the White river bridge company	582	590	610, 623, 631	627
87	A bill to legalize the election of a j. p. in the territory attached to Cass	483		525, 567	598
90	A bill to declare the road from Rome in the direction of Fredonia, a state road	564		602, 619	622
91	A bill to vacate a part of the public square in town of Corydon	483		552, 567	602
92	A bill to provide for the furnishing and preservation of s. house	517		532, 563, 599	614
93	A bill to legalize the proceedings of the board of trustees of the county library of Hancock county	409		435, 442	462
94	A bill to make a state road from Versailles to Rockford	409	481	603, 623, 631	627
95	A bill for the benefit of James Smith, commissioner &c.	582	590	623, 631	627
96	A bill to authorize the re-location of the state road from Marion to Wabash	409		623, 631	627
98	A bill to incorporate the Richmond education society	410		434, 442	462
99	A bill to amend act to incorporate the town of Lawrenceburgh	410		435, 442	462
100	A bill requiring persons petitioning the general assembly to give certain notices	483			
101	A bill to amend the act to provide for the distribution of the laws &c.	607		624, 631	627
102	A bill extending the time of final payment on the Seminary lands &c.	422		623, 631	628
105	A bill for the election of a j. p. in the town of Carthage	410		435, 442	462
106	A bill to incorporate the Olive Branch school society in Tippecanoe county	483		552, 567	598
107	A bill declaring a county road from Mooresville to Peter Andrews' in Shelby county, a state road	410		438, 467	516

BILLS WHICH ORIGINATED IN THE SENATE.

Number.	TITLES.	Reported From Sen.	Proceedings in committee of the whole and in the House.	Passed H. of R.	Other Proceedings.	Approv- ed.
109	A bill to legalize proceedings of board of com'rs of co. of Put.	410		411	431, 438, 467	516
110	A bill for the relief of the securities of Russell Comyn, late collector of Dearborn county - - - - -	410		410	438, 467	516
111	A bill for the further prosecution of the W. and Erie canal -	458	462, 467, 495	501	518, 551, 567	602
112	A bill to abolish imprisonment for debt in case of females -	422		582	623, 630	628
114	A bill to authorize the clerk of Posey county to appoint an asses- sor for 1835 - - - - -	422		423	438, 467	516
115	A bill to change time of holding the probate court of Perry co.	422		423	433, 442	443
118	A bill to amend the act to establish a board of trustees &c. in Clark's grant - - - - -	483		485	524, 552, 567	602
119	A bill to incorporate the Lawreceburgh, Aurora &c. turnpike company - - - - -	511				
121	A bill to legalize an election in Spencer county &c.	439		449	494, 522	550
122	A bill to amend the act to incorporate the Evansville and Lafay- ette rail road company - - - - -	439		449	494, 522	551
123	A bill to amend the act for the incorporation of county libraries	516		516	{ 532, 552, 570	622
124	A bill to legalize the proceedings of the Fort Wayne and St. Ma- rys bridge company - - - - -	468			{ 602, 619	
125	A bill to amend the act allowing and regulating the writ of <i>ad</i> <i>quod damnum</i> - - - - -	483	494, 594	468	525, 567	598

BOON COUNTY.

Member from, appears 4

(Petitions from.)

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CARROLL COUNTY.

Member from appears 4

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Member from appears 4

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Member from, appears	4
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Members from, appear	4
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Members from, appear	3
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Member from, appears	4
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Member from, appears 4

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On the subject of killing wolves	[see bills “ 157]	302
On petition from Vigo	[see bills “ 167]	322
On petition for relief of Daver	[see bills “ 168]	322
On petition of M. E. Israel	[see bills “ 170]	322
In relation to agricultural societies	[see bills “ 171]	322
On petition of Harmon and others	[see bills “ 180]	333
On petition of J. Cluster and others	[see bills “ 181]	334
On petition of E. Morgan and others	[see bills “ 182]	334
On petition of J. Rowland	[see bills “ 183]	334
On petition from Monroe county	[see bills “ 184]	335
On petition from Tippecanoe county	[see bills “ 185]	335
In relation to constables	[see bills “ 186]	335
In relation to wolves	[see bills “ 187]	335
On petition of J. Albertson and others	[see bills “ 188]	336
On the petition of Walter Spencer	.	336
On the petition of Isaac Ash and others	[see bill H R 189]	336
In relation to the apportionment	[see bills “ 190]	336
In relation to justices' jurisdiction	[see bills “ 191]	337
On sundry petitions from Switzerland	[see bills “ 192]	343
In relation to the Mississinewa	[see bills “ 201]	362
Incorp'g Turkey plain manufacturing com.	[see bills “ 207]	375
On petition of James Harrah & others	[see bills “ 208]	375
On petition for a road	[see bills “ 209]	375
On petition for steam mill company	(see bills “ 229)	413
On petitions from Owen and Clay	(see bills “ 230)	413
On petition for a road	(see bills “ 231)	414
On petition of N. McGuire and others	(see bills “ 232)	414
On petition of Hammel and others	(see bills “ 233)	414
On petition from Warren county	[see bills “ 234]	414
On petition from Marion county	[see bills “ 235]	414
Relative to killing wolves	[see bills “ 236]	414
On petition to alter a road	[see bills “ 237]	415
On petition from Shelby county	[see bills “ 238]	416
On petition from Crawford	[see bills “ 239]	416
On petition for a road	[see bills “ 240]	416
On petition from Warren	[see bills “ 241]	424
On petition for new county out of Jackson, &c	[see bills “ 242]	424
On petition from Jefferson county for a road	.	425
On the petition of W. C. Sullivan	[see bills H R 243]	425
On petition from Jefferson	[see bills “ 244]	426
On petition for a change in the Delphi & Crawfordsville road		426
On petition of J. McDowell	[see bills H R 245]	426
In relation to lots in Springville	[see bills “ 248]	427
Vacating New Lexington	[see bills “ 251]	469
Discharged from petition of Jabez H. Moore	.	470

On the petition of John Ross and others	[see bills H R 253]	470
On petition in relation to schools, &c	[see bills " 264]	480
On the petition of M. G. Bright and others	[see bills " 265]	480
On a petition from Fountain	[see bills " 266]	480
On a petition from Tippecanoe county	.	480
On the petition of L. B. Hughes and others	[see bills H R 267]	480
On the petition of J. C. Parker and others	[see bills " 268]	482
On report of judiciary committee	[see bills " 269]	482
On petition for a road	[see bills " 270]	507
On petition from Posey	[see bills " 277]	513
On the subject of White river canal	[see J R " 281]	520
On a petition in relation to roads	[see bills " 282]	524
On petitions from Parke and Fountain	[see bills " 284]	524
Selling spirits to laborers on canal	[see bills " 289]	526
On the petitions of Jacob Lopp and others	[see bills " 290]	530
In relation to an apportionment in certain c'ties	[see bills " 298]	547
On the petition of C. P. J. Arion and others	[see bills " 296]	547
On the petition of Lewis Bush and others	.	547
On the petition of the trustees of Madison	[see bills H R 297]	547
Attaching territory to Cass	[see bills " 298]	548
On petition of Barzilla Willey and others	[see bills " 299]	548
On the subject of national hospitals	[see J R " 315]	585
On the subject of Indiana College	[see bills " 316]	591
On attaching part of Harrison to Crawford county	.	605

RESERVED TOWNSHIPS.

Houses agree to elect commissioner for, in Monroe county	.	44
W. Alexander elected	.	50

RESOLUTIONS.

SUBJECT MATTER OF		Introd.	MOVER'S NAME.	Other proceedings.	Adop.
Informing Senate of organization of House	-	7	Mr. Moore		7
Adopting rules	-	7	Bigger		7
For printing rules	-	8	Stanford	8	9
For amending rules	-	8	Bigger		8
For furnishing newspapers to members	-	9	Smith of F.		9
Admitting reporters within the bar	-	9	Bennett		9
To limit the discussion, &c. of resolutions to one hour daily	-	9	Wallace	86, 104	104
For a com. to wait on Rev. Mr. Ames and request him to open ses'n with prayer	-	9	Smith of F.		9
For a committee to wait on the Governor	-	10	Dunning		10
For the appointment of a committee on enrolled bills	-	10	Howell		10
Inviting J. W. Davis, former Speaker, within the bar	-	10	Stanford		10
Inviting Hon. Wm. Polke within the bar	-	10	Smith of F.		10
To go into election of judges and prosecutors	-	10	Hargrove		10
Inviting Senate to attend divine service in the Rep's Hall instanter	-	11	Smith of F.		11
In relation to canvassing votes for Governor and Lieutenant Governor	-	11	Bigger	20	21
Inviting Senate to the Hall to hear the Governor's message	-	12	Newman		12
Ordering the Governor's message printed	-	20	Smith of F.		12
Inviting Senate to attend at the further opening of the votes for Governor, &c.	-	25	Smith of F.		
As to appeals in certain cases; writs of mandamus, and divorces	-	33	Bigger		33
For new bank districts	-	34	Chapman	61, 188	188

RESOLUTIONS.

SUBJECT MATTER OF	Introd.	MOVER'S NAME.	Other proceedings.	Adop.
Authorizing the sale of certain lands in Orange county in 40 acre tracts	34	Mr. Vandever		34
Authorizing suits against constables for money collected by them, &c.	34	Bryan		34
To abolish imprisonment for debt	34	Shaw		34
Requiring one magistrate in each township to assess and collect taxes, &c.	34	Storm		34
Referring certificates of election of members to a committee				
For printing lists of standing committees	34	Smith of F.		34
For an amendment to the law regulating sale of foreign merchandise	35	Evans		35
Calling on Sec'y of st. to report whether persons who distributed laws, discharged their duty				
As to the ad valorem system of taxation	35	Chapman		35
To prevent either party before a j. p. from testifying to their account, &c.	35	Bigger		35
As to the constitutionality of a part of the vagrant act	35	Smith of F.		35
That the member presenting subject ref'd to com. shall be a member, &c.	35	Johnston of F.		35
To revise the militia law	35	Evans		35
To repeal a part of the supplement to the act incorpora'g borough of Vincennes	36	Kelso		36
Providing for a circuit probate system	36	Shaw		36
To amend the justices' act	36	Nave	rejected	36
Inviting the Senate to be present at the inauguration	36	Brett		36
Inviting the Senate to the Hall of the H. to go into election of judges, &c.	42	Hargrove		42
To provide stoves for lobby	43	Vawter		43
		Evans		43

For the election of a com'r of the reserved township in Monroe county	-	43	Mr. Dunning	43
On the subject of revising the school law	-	44	Kelso	44
Exempting mechanics' tools from execution to certain extent	-	44	McDougle	44
In relation to amending insolvent law	-	44	Ray	44
Making it the duty of sheriffs exclusively to collect taxes	-	44	Carter of O.	102
For the repeal of 2d section of practice act passed in 1834	-	45	Hannaman	45
For an amendment to the school law	-	45	Stanford	45
Authorizing county boards to lay off seminary districts, &c.	-	45	Vanderveer	45
Inviting Senate to the Hall to go into the election of Auditor, Treasurer, &c.	-	48	Bryan	48
For an election by the people of county treasurers	-	48	Crume	102
For a more convenient table for the Speaker	-	48	Evans	48
Authorizing householders to take up estrays	-	49	Storm	49
For a repeal of a part of act regulating mode of doing county business	-	49	Hoagland	49
To abolish agent of three per cent. fund	-	49	Stanford	49
Calling upon judiciary committee to make certain inquiries	-	49	Nave	49
For a more efficient mode of repairing roads, &c.	-	49	Howell	49
On the subject of an amendment to the school law	-	50	Conwell	50
On subject of summoning jurors and witnesses	-	53	Kelso	53
On the subject of amending probate law	-	53	Brett	53
In reference to amending the road law	-	54	Leslie	88
Amending act regulating domestic attachment	-	54	Bryan	54
On the subject of the three per cent. fund	-	54	Evans	103
To transfer probate business to president judge of circuit court, &c.	-	54	Parks	
On the subject of amending school act	-	55	Henkle	55
As to the constitutionality, &c. of General Assembly granting divorces	-	55	Thompson	55
Authorizing a change in the act on the subject of voluntary militia fines	-	55	Bryan	55

RESOLUTIONS.

SUBJECT MATTER OF	Introd.	MOVER'S NAME.	Other proceedings.	Adop.
To amend the act regulating trial of right of property	55	Mr. Hoagland		56
As to amending act regulating the taking up of water crafts, &c.	56	Wilson		56
Authorizing unorganized territory to be laid off into counties	56	Chapman	197	
To abolish the office of collector, &c.	56	Strain		56
As to the inaugural address of the Governor	57	Armstrong		57
Compelling viewers of roads to serve	57	Walker		57
For furnishing papers to clerks and door-keepers	57	Moore		57
On the subject of borrowing \$15,000 for each county, &c.	59	Mendenhall	87	
On the subject of amending justices' act	59	Bennett		59
Authorizing a loan of \$1,400,000 for internal improvement	60	Vawter	{ 95, 137, 146, 180, 203, 206, 214, 216, }	208
On the subject of amending act regulating county seminaries	60	Johnston of F.		60
To amend act to provide fund to encourage common schools	60	Shaw		61
On subject of adjournment	61	Crume		61
That the mode of doing county business may be uniform	61	Brackenridge		
Amending laws relative to executors and administrators	61	Smith of F.		61
To amend 72d section of justices act	61	Newman		61
Depositing rules in secretary of state's office	61	Henkle		
For a loan pledging 3 per cent. fund for the payment	62	Kelso		62
On subject of contesting elections	62	Hoagland		62
On subject of amending revenue laws, so as to have an ass'r in ea. township	62	Dunning	85	

That a citation issue to appellee in appeals from j. p.	-	-	86	Mr. Evans	86
On the subject of administration on decedents' estates	-	-	86	Kelso	86
Amending act regulating distress for rent	-	-	86	Conwell	86
Exempting certain property from execution	-	-	86	Shaw	87
Referring a part of the governor's message	-	-	87	Bennett	87
On the subject of amending 15th section of probate act	-	-	87	Bryan	87
On subject of making an allowance to A. Wilson of Orange county	-	-	88	Carter of O.	88
That certain persons be exempt from militia duty	-	-	95	Smith of R.	95
On the subject of school lands in Clark's grant	-	-	96	Armstrong.	96
Extending jurisdiction of justices on confessed judgments &c. to \$200	-	-	96	Hannaman	96
On subject of correcting act of 1834 relative to trial of right of property	-	-	96	Smith of R.	96
Extending taxation for school purposes so as to affect merchants &c.	-	-	96	Walker	96
As to a change in the plan of our military system	-	-	96	Wilson of H.	96
On the subject of collecting taxes	-	-	97	Lowe	97
On the subject of the act concerning free negroes &c.	-	-	97	Moore	97
On the subject of an amendment to the estray law	-	-	97	Bigger	rejected
On the subject of reducing fees of state and county officers generally	-	-	98	Brett	rejected
On subject of adjournment of the House	-	-	99	Vawter	99
On the subject of a road from Connersville to Centreville	-	-	99	Ray	99
Providing that the party to a suit preventing the attendance of witnesses, to be punished	-	-	99	Nave	99
Amending act incorporating congressional townships	-	-	100	Leslie	100
Calling on secretary of state for penitentiary documents	-	-	100	Armstrong	100
On the subject of having the pensions paid at the branch banks	-	-	100	Bigger	100
On the subject of revising the school law	-	-	100	Wilson of P.	100
For an amendment to the road law as to the time the work is to be done	-	-	100	Henkle	100

RESOLUTIONS.

SUBJECT MATTER OF	Introd.	MOVER'S NAME.	Other proceedings.	Adop.
Providing that depositions of witnesses residing within state may be taken	100	Mr. Marshall		100
On the subject of preventing a fraudulent concealment of property	101	Ray		101
For the survey of a canal route from mouth of White river to Mississinewa	101	Stafford		101
On the subject of a tax on foreign and domestic groceries	101	Howell		101
On the subject of distress for rent	101	Bower		101
For the survey of a canal route down the valley of White river &c	101	Bell		101
Altering election law so as that clerks may order elections for j. p. in vac'n	102	Culbertson		102
As to the constitutionality of act defining duties of recorders	102	Newman		102
On the subject of working roads with convicts	103	McDougle		103
Requiring an act of Congress to be printed with the laws	103	Newman		103
On the subject of persons committed to jail for non-payment of costs	103	Mendenhall		103
Making it indictable to deface land marks	104	Chapman		104
On the subject of the expense of establishing corners by surveyors	136	Dunning		136
Requiring supervisors to make written reports to county boards	136	Leslie		136
On the subject of the expense of organizing state bank	136	Kilgore		136
On the subject of academical districts	136	Chapman		136
That six per cent. of state revenue be set a part for school purposes	137	same		137
On subject of memorializing Congress in behalf of poor widows	137	Lockhart		140
On subject of furnishing house with the acts of 1832	140	Vandeveer		142
On the subject of our northern boundary	142	Liston		142

Calling on secretary of state to report cost of printing	142	Mr. Wallace		142
For a survey of the west side of White river from Wabash to Indianapolis	143	Nave		143
Allowing a credit on property sold on execution where no stay was taken	143	Vandever	rejected	143
On subject of election of county commissioners	143	Brett		143
Requiring school commissioners to give bond	143	Conwell		144
On the subject of <i>ad quod damnum</i>	144	Carter of C.		144
On the subject of adopting the revenue law of Ohio	144	McDougle	rejected	144
Changing the law on the subject of bills of discovery	144	Newman		144
Dispensing with battalion muster	144	Lockhart		144
Requiring defendants convicted of an offence before justices, in appealing, to enter into recognizance	144	Newman		144
On the subject of the change of venue	144	Hoagland		144
On the subject of raising the governor's salary to fifteen hundred dollars	144	Wilson of V.	197	145
To amend the act authorizing domestic attachments	145	Dunning		145
On the subject of prisons and prison bounds	145	Smith of R.		148
Directing enrolling clerk to copy documents for the senate	148	Smith of F.	178	150
On the subject of ferries	150	Liston		150
In reference to the constitutionality of a part of the justices act	150	Johnston of F.		150
On adjournment	150	Smith of F.		150
On the subject of interest of money	150	Cook		151
To amend 50th section of revenue law	151	Brett		151
In relation to stay of execution	151	Torbet		151
Limiting ferry privileges in Indiana exclusively to the citizens of Indiana	151	Shaw		151
To repeal the law prohibiting canal commissioners &c. from purchasing more than 320 acres of land	151	Rockbill		151
On subject of spirituous liquors	151	Chapman		152

RESOLUTIONS.

SUBJECT MATTER OF.		Intro'd	MOVER'S NAME.	Other proceedings.	Adopt'd
As to the number of journals to be printed	. . .	152	Mr. Moore		311
On the subject of amending justice's act	. . .	152	Hardesty		152
As to constitutionality &c. of building slopes at dams in navigable streams	. . .	152	Phelps		152
As to the propriety of allowing j. p. to hand to successors, transcripts of docket	. . .	152	Kilgore	rejected	
Allowing mileage to justices of the peace in certain cases	. . .	153	Kelso	rejected	
On the subject of crime and punishment	. . .	153	Newman		153
On the subject of amending the road law	. . .	153	Wilson of P.		153
As to amending 2d section of act concerning free negroes	. . .	166	Howell		166
On subject of amending act relative to crime and punishment	. . .	166	Brackenridge		166
On subject of replevin	. . .	166	Thompson		166
On the subject of confining sheriffs' sales to a certain day	. . .	167	Brett		167
On the subject of amending justices' act	. . .	167	Nave	rejected	
To provide for collection of debts from convicts	. . .	167	Bigger		167
Increasing the length of terms of county board	. . .	167	Crume		167
For a survey of a canal route from termination of W. and E. canal to Terre Haute	. . .	167	Evans		167
For a survey of canal route from mouth of White river to the Ohio at Mount Vernon	. . .	167	Green		167
For a survey of canal route from a point on Wabash to Ohio at Mt. Vernon	. . .	168	Green		168

For the punishment of persons aiding in escapes from prison	168	Green	168
Authorizing sheriffs to take recognizances in certain cases	168	Hardesty	190
In relation to laying out the unorganized territory into counties	188	Vawter	188
In relation to the trial of criminals	188	Davis	188
On the subject of enclosing the state house square	188	Wallace	188
As to the constitutionality of sheriffs being collectors	188	Wilson of H.	188
Extending charter of South Bend bridge company	188	Liston	188
In relation to the improvement of the Wabash and White rivers	189	Moore	189
Abolishing probate court and transferring business to circuit courts	189	Ray	194
Allowing jurors one dollar a day	194	Strain	rejected
As to an amendment to justices act	194	Bryan	194
On adjourning to first Monday of January	194	Kelso	208, 215
On the subject of asking aid to connect White river valley with W. & E. canal	195	Hannaman	208
To revise the laws on the subject of agricultural societies	195	Wallace	195
On the subject of adjourning over several days	195	Kelso	rejected
As to liability of clerks under the marriage act	196	Vawter	197
To exempt additional articles from execution	197	Hannaman	rejected
On the subject of killing wolves	198	Schooling	198
As to amending act relative to crime and punishment	198	Armstrong	198
For the organization of a probate circuit court	202	Crume	209, 283
On the subject of the state library	203	Willet	203
On the subject of printing report of canal commissioners	209	Willet	203
On the subject of a rail road from Lafayette to Chicago	216	Henkle	216
In relation to the indisposition of Mr. Carter a member of the House	224	Howell	224
For a rep't f'm the com'rs of W. & E. C. as to surveys at request of individuals	227	Henkle	227
On the subject of a general ticket system in reference to congressional elections	269	Kilgore	286
For a report from canal com'rs as to quantity of canal lands below Eel river	272	Carter of C.	272
On the subject of making judgments in probate courts lien upon real estate	280	Vandeveer	280

RESOLUTIONS.

SUBJECT MATTER OF	Intro.	MOVER'S NAME.	Other proceedings.	Adop.
For a select committee to draft a bill for internal improvements -	283	Mr. Bryan	291	291
Exempting persons from serving on juries before a j. p. except where he resides	283	Crume		283
That the House proceed to the orders daily at 2 o'clock P. M. -	284	Kelso		284
For a survey of the valley of the Wabash by the board of canal com'rs, &c.	284	Wilson of V.		284
For an amendment to 93d section of the school law -	284	Dunning		284
On the allowances to executors and administrators -	284	Conwell		284
In relation to constables -	284	Cook		284
For the survey of a canal route -	285	Howell		285
On the subject of clerks of county boards -	285	Brett		285
Making it an indictable offence for injuring bridges, locks, gates, &c.	285	Nave		285
For an allowance to collector of Cass, money overpaid into treasury -	285	Carter of C.		285
Giving j. p. power to issue summons under the act concerning free negroes, &c.	285	Vandeveer		285
For a premium for prairie wolf scalps -	286	McIntire		286
To dispense with services of commissioner on Michigan Road -	286	Bryan		287
On the subject of allowance to guardians -	287	Woodruff		287
On the subject of delinquent lists -	287	Nave		287
On the subject of masters of steam boats -	287	Lockhart		287
On the subject of limiting jurisdiction of j. p. to respective townships	287	Lowe		
On the subject of obstructions in the west fork of White river -	288	Storm	308	
In relation to returning delinquent lands -	309	Conwell		309
On the subject of double listing, &c. -	309	Smith of R.		309

Authorizing district trustees to levy tax on non-resident lands, &c.	309	Mr. Newman	309
On the subject of condensing the laws in force	309	Green	309
In relation to the sale of the Governor's circle	310	Mendonhall	310
Inquiring whether wheat, &c. are subject to execution of a j. p.	310	Ray	311
To guard against injury to state house, &c.	311	Dunning	311
As to the discharging of witnesses in the case of Cromwell	315	Hardesty	315
For paying witnesses in the case of Cromwell	316	Crume	317
Calling for a report from canal commissioners	324	Wilson of V.	325
Calling for a report from Commissioner of Michigan road	324	Carter of C.	366
In relation to William Polke commissioner of the Michigan Road	366	Kilgore	388
In relation to the acts of Congress in the Secretary of State's Office	388	Chapman	399
For an allowance to Daniel Peria for services in taking Mr. Carter home	399	Crume	399
In relation to revised code needed in Lagrange county	399	Chapman	494
Authorizing enrolling clerk to hire assistants	452	Dunning	452
As to the hour to which the House shall adjourn	452	Bigger	482
In relation to returns of election for Governor and Lieutenant Governor	482	McDougle	520
Relative to adjourning <i>sine die</i>	520	Willet	542
" " "	541	Hargrove	553
In reference to printing the titles of acts passed	553	Willet	558
Indexing the journal	553	Crume	558
In relation to the number of journals to be printed	558	Crume	559
In relation to signing members accounts	558	Evans	560
Requiring Secretary of State to furnish list of acts to be printed	559	Bigger	578
Relative to adjourning <i>sine die</i>	560	Hardesty	631
Tendering thanks to the Speaker	578	Bryan	
Relative to members absenting themselves from the House, &c.	606	Thompson	
To wait on the Governor at the close of the session	631	Hargrove	

JOINT RESOLUTIONS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

700

Numb.	TITLES.	Introd.	Proceedings in com. of the whole and in the Ho.	Passed H. of R.	Pass. S.	Other proceedings.	Appro.
4	On the subject of the distribution of the laws of the state and reports of s. c.	50	105	105	171	181, 203	206
23	Memorial &c. relative to declaring Lafayette a pt. of entry	87	98, 137	171	211	226, 267	282
41	Relative to the establishment of a mail route from Albany to Terre-Haute	137	199	272	612	616, 618	629
52	On the subject of exchanging books with the several states	145	300	338	451	457, 588, 608	622
60	Relative to the printing of the laws of the U. S. on the subject of public lands	156	417	453			
85	To the legislatures of Ohio and Illinois in relation to a rail road &c.	187	215				
86	Soliciting aid to improve northern chain of communicat. &c.	187		187	323	340, 368	398
89	Granting certain public lands to Indians	187	399	400			
91	Praying a donation of land to assist in the completion of the Wabash and Erie canal	190	221	221	273	291, 313	324
96	Relative to the state house	194	502				
103	Relative to the Tippecanoe battle ground	202	504	507	564	569, 617, 618	628
110	Relative to a treaty with the Miami Indians	222	222, 300				
113	Relative to the boundary line between the state of Indiana and Michigan Territory	236	353	354	596	620, 621	630
115	Relative to the governor's circle and certain lots in the town of Indianapolis	267	509	574			

153	For a grant of land to enable the states of Indiana and Illinois to construct rail road &c.	308	338	408					
163	In relation to certain saline reservations therein named	319		338	452	{458, 515, 551, 567	598		
165	On the subject of land offices in Indiana	327	340						
176	For the relief of the canal commissioners	331	333	539	581	616, 618	628		
193	Relative to printing and distributing the laws, journals, &c.	343	360	378					
195	In regard to the Pottawattamie and Miami Indians in this state								
197	Relative to paying the pensioners of Indiana	353		253	354	413, 433	435		
228	Relative to the payment of revolutionary pensioners	354	364	378	410	411, 433, 442	461		
247	Memorial asking a grant of land from the U. S. for certain purposes	408	576	586					
272	Furnishing Lagrange county with additional number of revised code	427	431	594	610	616, 617	628		
273	For the benefit of certain French settlers in Vincennes	508		508	528	551, 567	598		
281	On the subject of a canal down the valley of White river	508	575						
285	On the subject of distributing the act of Congress to the several counties	520							
292	On the subject of a canal down the valley of White river	524		524					
294	Relative to the state library	537		537		624, 625	628		
315	In favour of national hospitals	546		546	581	624, 625	628		
318	Relative to track roads	585		585					
319	Relative to the purchase of a fire engine	600		600					
320	On the subject of the pre-emption law	601	604	604	611	616, 618	628		

JOINT RESOLUTIONS WHICH ORIGINATED IN THE SENATE.

Number.	TITLES.	Reported from Sen.	Proceedings in committee of the whole and in the House.	Passed H. of R.	Other proceedings.	Approv- ed.
8	Relative to the state house	302	530, 570, 571	572	602, 619	622
11	On the subject of national hospitals	154		154	190, 200	622
46	On the subject of Militia	227	508	573	602, 619	614
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